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2007-15	INCREASE RENTAL LICENSE FEE (\$30) & ESTABLISH DELINQUENT FEE (\$15)	11/15/07
2007-16	AMEND CHP 102(DEVELOPMENTAL REGULATIONS)-INCLUDE REGULATIONS FOR CONSTRUCTION FENCES IN COMMERCIAL DISTRICTS	12/06/07

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**CITY OF VENTNOR CITY  
ORDINANCE NO. 2007-01**

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 186 - SEWERS  
OF THE CODE OF THE CITY OF VENTNOR CITY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VENTNOR CITY that the Regulations pertaining to sewer and water systems of Ventnor City be amended and supplemented as follows:

**SECTION I. PART 1, ARTICLE I. Section 186-2 Responsibility for connection and maintenance:** The following paragraph is hereby added:

E. The cost for installation of all new temporary sanitary sewer service connections made to the municipal sewer system and extending from the mains thereof to a building or any other temporary source shall be the sole responsibility of the party requesting the service connection. For each and every approved temporary connection, the requesting party shall submit and obtain a permit from the Ventnor City Clerk, pay a sewer connection permit fee of \$250.00 and obtain a street opening permit if necessary.

**SECTION II. PART 1, ARTICLE I. Section 186-2.1 Sewer Service Rates and Charges:** Paragraph A shall be amended to read as follows:

Effective January 1, 1981, each property shall be charged rents, rates and fees or other charges for the direct or indirect connections with the use of the Ventnor City Sewer system as determined by the Water and Sewer Utility of the City of Ventnor City. The rents, rates and fees or other charges shall include operational costs and user charges inclusive and may be amended from time to time by the Governing Body.

Paragraph B remains unchanged.

Paragraph C. Temporary User Rates and Fees: Temporary user as defined herein shall be charged the current rate during the time of temporary use in effect as established by Atlantic County Utility Authority.

**SECTION III, PART 2, ARTICLE II. Section 186-4 Definitions:** The following definition is hereby added:

**TEMPORARY USER** - Any person or person, corporation, partnership or association maintaining a temporary connection to the public sanitary sewer system of the City of Ventnor City for the purpose of discharging sanitary waste or its equivalent into the local sanitary sewer system.

**SECTION V.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION VI.** Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

**SECTION VI:** This Ordinance shall take effect immediately upon passage and publication as required by law.

FIRST READING: February 1, 2007

PUBLICATION: February 5, 2007

FINAL READING & ADOPTION: February 15, 2007

**CITY OF VENTNOR CITY, NEW JERSEY  
ORDINANCE No. 2007-02**

**2007 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND  
TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2007  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Cost of Living Adjustment (COLA) for 2007 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 5.5%; and,

**WHEREAS**, the Board of Commissioners of the City of Ventnor City in the County of Atlantic finds it advisable and necessary to increase its calendar year 2007 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Board of Commissioners hereby determines that a 3.5% increase in the budget for said year, amounting to \$158,127.70 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey, a majority of the full authorized membership of the governing body affirmatively concurring, that, in the calendar year 2007 budget year, the final appropriations of the City of Ventnor City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased to 3.5%, amounting to \$158,127.70, and that the calendar year 2007 municipal budget for the City of Ventnor City be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with the Director within five (5) days after such adoption.

Date of Introduction and First Reading: March 22, 2007

Date of Publication: March 26, 2007

Date of Final Reading and Adoption: April 5, 2007

**ORDINANCE No. 2007 - 03**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING**  
**CHAPTER 102 - DEVELOPMENTAL REGULATIONS**  
**OF THE CODE OF THE CITY OF VENTNOR CITY**  
**RELATING TO ARTICLE XII - RESIDENTIAL 9 ZONING**

**BE IT ORDAINED** by the Board of Commissioners of the City of Ventnor City that Chapter 102 Article XII of the Code of the City of Ventnor City shall be amended and supplemented as follows:

**SECTION I.**     **Section 102- 74 Area and Bulk Requirements** shall be changed to read as follows:

**Section 102-74 Area and Bulk Requirements.**

The following area and bulk requirements shall apply for detached single family use:

- A. The minimum lot area shall be 3,125 square feet
- B. The minimum lot width shall be 50 feet
- C.     The minimum lot depth shall be 62.5 feet
- D.     Coverage.
  - (1) maximum building coverage 50%
  - (2) maximum lot coverage 75%
- E.     Building Setbacks:
  - (1) front yard shall be a minimum of 12 feet for principal and accessory buildings. In the case of corner lots, all portions of the lot fronting on a street shall be considered front yards.
  - (2) side yards shall be a minimum of 5 feet each for principal and accessory buildings. The side yard setback for both principal and accessory buildings along oceanfront bulkheads and seawalls shall be 12 feet.
  - (3) rear yard shall be a minimum of 10 feet for principal buildings and 3 feet for accessory buildings.
- F. Building Heights.
  - (1) maximum height of the principal building shall be 35 feet.
  - (2) maximum height of accessory buildings shall be 12 feet.

The area and bulk requirements for the pre-existing townhouse and high rise apartment uses shall be those lot dimensions, setbacks, building heights, and coverages existing and approved as of April 05, 1990.

**SECTION II.**     All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION III.**    Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance

**SECTION IV.**    This Ordinance shall take effect on final passage, approval, and publication.

FIRST READING:   April 19, 2007

PUBLICATION:     April 23, 2007

ADOPTION:        May 3, 2007

## ORDINANCE NO. 2007- 04

### AN ORDINANCE AMENDING AND SUPPLEMENTING THE TOWING PROVISIONS OF THE CITY OF VENTNOR CITY

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City that Chapter 208 consisting of Sections 208.1, 208.2, and 208.3 are deleted in their entirety and replaced as follows:

#### **Chapter 208: POLICE-PUBLIC TOWING**

##### **§ 208-1. Definitions**

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meanings given herein:

**AUTOMOBILE** — A motor vehicle of a private passenger or station wagon type that is owned or leased and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; and a motor vehicle with a pickup body or delivery sedan, a van or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the owner(s).

**BASIC TOWING SERVICE** — The removal and transport of an automobile from a highway, street or other public or private road or a parking area or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm.

**COMMERCIAL VEHICLE** — Any vehicle other than that as defined as an “automobile” pursuant to the definitions as contained in this chapter.

**MOTOR VEHICLE ACCIDENT** — An occurrence in which a private passenger automobile comes in contact with any other object for which the private passenger automobile must be towed or removed for placement in a storage facility. This includes all situations which are accidental as to the owner or operator of the motor vehicle even if they were caused by the intentional acts of a perpetrator where the perpetrator was not the owner or operator of the motor vehicle.

**PARKING** — The standing or waiting on any private or quasi-public property of a vehicle.

**STORAGE SERVICES** – The maximum allowable amount of storage charges to be charged per twenty-four (24) hour period or a fraction thereof. Each new twenty-four hour period begins at 12:01 A.M.

**TOW VEHICLE** — Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under reach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles.

**TOW VEHICLE’S BASE OF SERVICE** — The towing operator’s principal place of business where the tow vehicle is stationed when not in use.

##### **§ 208-2. Official Towers to be Appointed; Tower’s List; License Required; Term**

- A. The Mayor and Commission shall appoint persons or companies meeting the criteria set forth in this chapter and engaged in the business of offering the services of a motor vehicle towing or wrecker service, whereby damaged or disabled motor vehicles are towed or otherwise removed from the place where they are damaged or disabled, by use of a tow vehicle, as defined in this chapter. Such persons or companies shall be known as “official towers.”
- B. Official towers shall be identified by means of a license that shall be issued in accordance with the provisions of this chapter.
- C. Not less than 45 days prior to the beginning of each two-year term of official towers’ licenses, the City shall advertise for applications for towing licenses for providing towing service pursuant to this chapter. The advertisement shall be published in the official City newspaper.
- D. All applicants shall submit their applications at least 30 days prior to the commencement date for each two-year period, and the applications shall be reviewed in accordance with the procedures set forth in this chapter. The award of a license to the successful applicants shall be subject to compliance with the license requirements of the chapter.

- E. For the purposes of the licenses to be awarded, pursuant to the chapter, in the year in which it is adopted, the initial term of the license shall be from the date the license is issued until December 31, 2008. Licenses issued thereafter shall be for a two-year period commencing on January 1<sup>st</sup> of the year in which it was issued and terminating two years thereafter on December 31<sup>st</sup>.
- F. Notwithstanding the provisions of this chapter that provide for a two-year term of the license, official towers shall submit, no later than December 1<sup>st</sup> of each year, that the towing license is in effect a detailed certification certifying that the official tower meets the requirements of this chapter in regard to the issuance of licenses. The certification shall be submitted to the Chief of Police for his review and approval. Failure to submit the certification or failure to continue to abide by the requirements of this chapter in regard to the issuance of a towing license shall subject the official tower to revocation of the license in accordance with the procedures contained herein.

### **§ 208-3. Services to be Furnished**

- A. Official towers shall furnish adequate and proper wrecking, towing and storage of motor vehicles damaged or disabled within the limits of the City of Ventnor when requested to do so by the Chief of Police or his authorized designee.
- B. No official tower shall subcontract any work to be performed pursuant to this chapter without having first obtained prior written approval from the Chief of Police, except for the use of heavy equipment in time of emergency. Any official tower to whom approval to subcontract work has been given shall be responsible for the services performed by the subcontractor and shall remain liable for any violation of this chapter by the subcontractor.
- C. **Storage Area (Tow Lot)** - The official tower will provide and maintain at their cost and expense, a storage area for all vehicles towed pursuant to the direction of the Police Department. The City of Ventnor shall have no responsibility for costs or expenses associated with said storage facility and likewise shall have no rights or obligations concerning its operation.
- D. **Removal and Towing of Vehicles**
  - 1. The official tower shall remove and tow to their storage facility (tow lot) all vehicles as directed by the Ventnor City Police Department which are inclusive of but not limited to abandonment, accidents, traffic violations, theft, disabled, or police investigations or suspected involvement in a criminal activity unless otherwise directed. The decision on when a vehicle fits the above criteria for removal and towing shall be made by the Ventnor City Police Department, and the official tower shall have no responsibility for the same.
  - 2. In the event that the official tower has been summoned by the City for the purpose of towing a vehicle, and the owner of the vehicle arrives on the scene prior to the removal of the vehicle by the official tower, the owner may be charged by the official tower the drop fee listed in the fee rate schedule only if the vehicle in question has been actually hooked up to the tow truck.
  - 3. The official tower shall be responsible for the towing of any disabled City-owned vehicles as per the approved fee schedule when requested by the City including the changing of tires on those vehicles.
  - 4. The official tower will be responsible to clean up all broken glass and debris at the scene of accidents.
  - 5. Prior to the official tower towing any vehicle from any portion of the beach located in Ventnor City, they shall first contact the Police Department and secure permission to enter upon the beach and tow the vehicle. The official tower shall take all necessary steps to prevent damage to the beach, sand dunes, or bulkhead in towing any vehicle from the beach. The official tower shall be responsible for any damage to the beach, sand dunes, vegetation, snow fence, bulkheads or any other structure located on or adjacent to the beach as a result of the tow operation.
  - 6. The official tower shall have the right to utilize another towing contractor to perform towing services upon the beach, if the official tower believes his equipment is inadequate or insufficient to accomplish the towing. In the event that another towing contractor performs the towing, the fees shall be those specified in the contract, and said towing contractor shall comply with all the terms and conditions of the original contract.

### **§ 208-4. Application Process**

- A. Applications for inclusion on the official towers' list shall be made to the Mayor and Commission upon a form prepared by the Chief of Police and approved by the City Attorney and shall contain all of the following information:
  - 1. The name, residence and business address and telephone number of the owner of the towing company. If the owner is a corporation, the application shall contain the name, residence and business address and telephone number of every stockholder owning more than 10% of the issued stock.
  - 2. Such information as may be required by the Mayor and Commission concerning the personnel, vehicles, equipment and storage facilities of such application, as hereinafter provided, showing that the applicant meets the minimum standards of performance.
  - 3. A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided.
  - 4. The names and addresses of two business references who have known the applicant for at least two years.
  - 5. Certification that the applicant will be able to provide towing services anywhere in the City with a maximum response time of 20 minutes, except when extraordinary circumstances occur.

6. Certification that the applicant will be available for service on business premises 24 hours a day and that it will abide by the approved fees contained in or referred to in this chapter.
- B. The applicant shall submit completed duplicate applications to the City Clerk, who shall forward a copy to the Chief of Police for his review and approval. The review by the Chief of Police shall consist of the following:
    1. A background check to determine if either the applicant or the applicant's personnel have been convicted of a criminal offense or have had their drivers' licenses suspended or revoked within the past year. Conviction of a criminal offense or suspension of drivers' license within the past year shall be a cause for disqualification from inclusion on the official towers' list.
    2. An inspection of the personnel, vehicles and equipment proposed to be utilized by the application to verify the accuracy of the information contained in the application and to determine compliance with applicable laws and regulations and the standards of performance required by this chapter.
  - C. An applicant may be included on the official towers' list by the Mayor and Commission, by resolution adopted at a regular public meeting, when, from a consideration of the application and from such other information as may otherwise be obtained, they find that all of the following circumstances exist:
    1. The applicant has not knowingly and with intent to deceive made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.
    2. The applicant has met the standards in this chapter and has furnished the required hold harmless agreement and certificates of insurance.
    3. The application has been reviewed and approved by the Chief of Police.
    4. Neither the applicant nor the applicant's personnel have been convicted of a criminal offense or had their driver's license suspended within the past year.
  - D. The Chief of Police shall conduct his review and render a report to the Mayor and Commission recommending either approval or denial of the application. The Mayor and Commission shall take action with regard to the application after receipt of the report of the Chief of Police. The applicant or its representative shall be given notice of the date on which the Mayor and Commission will consider the application and shall be permitted to appear and be heard at that time.
  - E. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Mayor and Commission.
  - F. If the Mayor and Commission fail to take action within 30 days of receipt of a complete application, the application shall be deemed to have been denied.

### **§ 208-5. Licenses; Fees**

- A. Upon approval of the application as herein provided and payment of the required fees, the City Clerk shall issue the applicant an official tower's license for each tow vehicle or flatbed vehicle to be utilized in providing services pursuant to this chapter.
- B. The licenses, which shall be in a form approved by the Mayor and Commission, shall be displayed on the tow vehicle or flatbed vehicle at all times.
- C. The licenses shall be valid for the two-year period as set forth in the chapter, shall be nontransferable and shall be subject to revocation by the Mayor and Commission for any of the following reasons:
  1. If it is subsequently determined that the applicant knowingly and with intent to deceive made false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.
  2. Unsatisfactory service provided pursuant to this chapter.
  3. Failure to annually certify compliance with the requirements of this chapter as required by § 208-2F.
- D. Each license granted shall entitle the licensee to operate a towing business or to drive a tow truck in the City of Ventnor for a period of two years, from January 1<sup>st</sup> to December 31<sup>st</sup> of the succeeding year.
- E. The mercantile license fees are as follows:
 

<u>Name of License</u>	<u>Fee</u>
Towing Business Operator	\$300.00
Tow Truck Driver	\$100.00
- F. Licenses shall not be transferable from one vehicle to another without the consent of the Chief of Police. Consent may be granted at the sole discretion of the Chief of Police, if the licensee demonstrates that the transferee vehicle complies with all of the requirements of this chapter.

### **§ 208-6. Minimum Standards of Performance**

To qualify for inclusion on the list of official towers, applicants must meet the following minimum standards:

**A. Minimum Vehicle Requirements.**

1. Every official tower shall maintain and have available to render services required by this chapter a minimum of one regular tow vehicle and one flatbed vehicle.
2. Vehicle classes:
  - a. Regular tow vehicles must be equipped with a boom or winch assembly mounted on the chassis, a dolly assembly, a tow sling or wheel lift assembly and at least 100 feet of either three-eighths-inch or seven-sixteenths-inch cable attached to a motor-driven winch.
  - b. Flatbed vehicles must be equipped with a winch or hydraulically operated bed which slides or tilts to accommodate transporting of vehicles.
3. Every official tower shall have available a heavy-duty wrecker, and under reach shall be rated at 35,000 pounds and shall be capable of towing new style buses and trucks with fiberglass front ends.
4. All equipment shall comply with all state and federal regulations, and all vehicle operators shall possess a CDL license for over 26,000 pounds.
5. Each applicant shall submit, along with its application, proof of ownership or lease of the vehicles which will be utilized to provide services pursuant to this chapter.

**B. Minimum Equipment Requirements**

1. Every tow vehicle or flatbed vehicle shall be equipped with the following:
  - a. At least one amber rotating beacon or strobe light mounted on the highest practical location of the vehicles, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours.
  - b. One snatch block per winch.
  - c. Safety tow lights or magnetic tow lights for towing vehicles at night, amber colored.
  - d. Extra chains and cable for pulling or securing a towed vehicle.
  - e. At least one heavy-duty broom, a shovel, a crowbar or pry bar, a set of jumper cables, a flashlight, one two-pound or larger fire extinguisher of dry chemical type, one dozen flares or similar warning devices for placement at the scene of an accident or behind a disabled vehicle, at least 10 pounds of dry sand or a drying compound for gasoline and oil spilled onto the roadway and a sufficient quantity and types of tools to enable the tow operator to perform proper and adequate emergency repair services for the tow.
2. Every tow vehicle or flatbed vehicle shall comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by the Chief of Police or his designee at any time. No changes may be made in said vehicles or equipment unless prior written approval is obtained from the City.
3. Every tow vehicle or flatbed vehicle shall display the official tower's license and shall have the name of the official tower displayed on the vehicle in such manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.

**C. Minimum Personnel Requirements**

Official towers shall have available, at all times, a minimum of two persons to provide the services required by this chapter. All persons employed by official towers to provide the services required by this chapter shall meet the following requirements and be subject to the following regulations. They shall:

1. Be competent mechanics able to provide minimum road service for disabled vehicles.
2. Have a valid driver's license having no restrictions or conditional endorsements other than a condition requiring the wearing of eyeglasses.
3. Be mentally alert and present a neat appearance at all times.
4. Obey all traffic laws and regulations.
5. Be subject to inspection by the Chief of Police or his designee and shall be approved by the Chief of Police prior to rendering any services pursuant to this chapter.
6. Not have been convicted of a crime nor had their driving privileges suspended or revoked within the past year. (Note: one year provision only applies to driver's license suspension or revocation).

**§ 208-7. Utilization of the Official Tower's List**

- A. Official towers shall be placed on the official towers' list at the beginning of each two-year period in accordance with the procedures as set forth in this chapter. The official towers shall rotate on the list for one month at a time or for such a period as designated by the Chief of Police in accordance with his rule-making authority under this chapter. Unless otherwise changed by the Chief of Police under his rule-making authority, the one-month rotation shall commence at 12:00 midnight on the first day of each month and terminate at 11:59 p.m. the last day of the month.
- B. The City shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If a tow vehicle is not available or if, in the discretion of the City official making the request, the response time is insufficient under the circumstances to properly protect the public health, safety or welfare, the next official tower on the list shall be called for that particular towing event. The official tower who is at the top of the list, however, shall remain on the top of the list for any subsequent calls until that tower's one month period at the top of the list is finished.



- C. All requests for service shall be at the direction of the Chief of Police, his authorized designee or an authorized representative of the City of Ventnor.
- D. The City shall request service only from official towers; provided, however, that if no emergency or road hazard exists, the City shall request such service from such other towing service as the owner of the motor vehicle in need of such services may request; and provided further that if none of the official towers are available or able to provide such services as are requested by the City, or if an emergency exists, the City may request such services from any other available source.
- E. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the City of Ventnor over any other requests which may be received by the official towers.

**§ 208-8. Hold Harmless Agreement**

The applicant shall agree, in writing, to assume the defense of and indemnify and hold harmless the City of Ventnor, its elected officials, boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which the City of Ventnor may be subjected of any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provisions of towing, wrecking, storage and/or emergency services provided at the request of the City of Ventnor pursuant to this chapter. Official towers shall enter into a hold harmless agreement in a form to be prepared by the City Attorney prior to being included on the official towers' list.

**§ 208-9. Insurance**

- A. No person shall be included on the official tower's list unless and until such person has provided to the City a certificate or certificates of insurance evidencing that there is in effect the following insurance coverage:
  - 1. Automobile liability insurance in an amount not less than \$1,000,000.00 combined single limits.
  - 2. Workers' compensation as required by law.
  - 3. Sufficient comprehensive general public liability insurance to protect the City of Ventnor from any liability, loss or damage arising out of the activities to be conducted. Such insurance shall be in the minimum amount of \$1,000,000.00 for each person and \$3,000,000.00 for each incident.
- B. Policies of insurance shall contain endorsements to provide collision coverage for vehicles in tow.
- C. Policies of insurance shall be written by insurance companies authorized to do business in the State of New Jersey. Insurance companies shall be acceptable to the City of Ventnor and shall have at least a B+ rating by a recognized rating service.
- D. The City of Ventnor City shall be named as an additional insured on all policies of insurance provided pursuant to this chapter. All certificates of insurance shall provide that the policies may not be canceled or terminated or the coverage decreased without 30 days' written notice to the City.
- E. Policies of insurance required by this chapter shall be maintained in full force and effect at all times. In the event that any coverage is canceled, terminated, interrupted or decreased in amount, notice shall immediately be made by the official tower to the City of Ventnor at which time that tow company shall be removed from the official towers' list until such time as the required coverage is reinstated or replaced.

**§ 208-10. Towing (including flatbed service) and Storage Fee Schedule; Releases; Damages to be Reported.**

**A. The following are the approved fees:**

Transporting (Towing) of illegally parked, impounded or disabled motor vehicle .....	\$100.00
Transporting (Towing) of motor vehicle from accident scene to include cleaning and removal of area debris.....	\$120.00
Flatbed Service.....	\$125.00
Lock Outs.....	\$ 75.00
Winching .....	Per Hour..... \$100.00
Service Calls.....	\$ 75.00
City Owned Vehicles.....	50% of Applicable Listed Fee
Drop fee (vehicle must be hooked to collect drop fee).....	50% of Applicable Listed Fee
Labor Rate.....	Per Hour.....\$ 75.00
(*In unusual or extreme situations the official tower may charge the labor rate per/hour in addition to the approved fees listed in this section.)	
Storage Rate.....	Per Day.....\$ 25.00
Emergency after hours Release Fee.....	\$ 25.00
(*After hours release fee in effect from 11:00 PM to 7:59 AM each day including holidays and weekends.)	

- B. No charge for towing of any motor vehicle or impounding of a motor vehicle for police investigative purposes at the direction of the Chief of Police or his designee.
- C. The official tower shall provide, at their expense, a printed 3"x 5" rate card which will be provided to the Police Department for distribution to vehicle owners at the scene of an accident or when requesting a vehicle release

authorization from the Police Department.

The rate card shall provide information on claiming a vehicle, the name of the business, its owner, tower's license number, as well as the business location, telephone number and hours of operation for the public. The card shall also state its rates for towing services and include all methods of payment accepted.

- D. **Note: All prior damage to towed vehicles is to be reported immediately to the Police Department for entry into the tow log.**
- E. The official tower, at their expense, will prepare a printed bill for distribution to the customer, reflecting the amount to be paid in accordance with the approved fees stated on the printed rate card and Section 208-10A of this chapter.
- F. **There shall be no additional fees charged by the official towers other than those listed in this chapter.**

#### **§ 208-11. Storage Rates.**

Storage rates are \$25.00 per day excluding the first and last days. Any dispute regarding storage fees and proper notification to owners or dates of storage shall be resolved by the Chief of Police or his designee.

#### **§ 208-12. City's Responsibility for Towing and/or Storage Fees.**

- A. The City of Ventnor will not be responsible to the official tower for the collection or payment of any charges for towing and /or storage regardless of where the vehicle is stored, regardless of by whom the vehicle was towed, and regardless of the reason for towing, inclusive of but not limited to abandonment, accidents, traffic violations, theft or police investigations.
- B. The City of Ventnor will not be responsible to the official tower for any charges due as a result of towing and / or storage of any vehicle, nor will it assist the official tower in collecting any towing or storage charges for any vehicle, whether it has been stolen, abandoned or involved in an accident or traffic violations and regardless of where the vehicle is stored.

#### **§ 208-13. Miscellaneous Provisions.**

- A. Copies of this chapter and the schedule of fees that may be charged by official towers shall be made available to the public during normal business hours at the Municipal Clerk's office, City Hall. Copies shall also be made available to the public at each official tower's place of business.
- B. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of the fees that may be charged for all services provided pursuant to this chapter.
- C. The City of Ventnor reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.
- D. The relationship between an official tower and the City of Ventnor is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official towers' list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit sharing agreement.
- E. The municipality shall not be liable or responsible for compensating the official towers for any of the services performed under this chapter unless those services are performed for the City owned vehicles. Compensation shall be the responsibility of the owner of the towed motor vehicle, and the official tower shall proceed directly against the owner.
- F. The official tower shall, at all times, be solely responsible for the conduct of its employees.
- G. Each official tower shall keep and maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records shall be available for inspection by the City of Ventnor at any time during normal business hours. Records shall be kept and maintained by the official tower at one central location and shall be retained for a period of seven years. Records may be written, printed or computerized as long as the requirements of this subsection are met.

#### **§ 208-14. Dispute Resolution and License Revocation.**

- A. In the event that a complaint is received by the City involving the improper conduct or actions of the tower or unsatisfactory performance of services by an official tower, excessive charges or damage to a motor vehicle while in the custody of the tower, written notice of the same shall be provided by the City Clerk to the official tower involved. The tower shall have the opportunity to respond, in writing, within five days.
- B. Within 14 days of receipt of the tower's response or within 21 days of receipt of the complaint, if no response is received, the matter shall be presented by the City Clerk to the Mayor and Commission.
- C. The Mayor and Commission shall consider the matter at a regular public meeting and may request that the complainant and the tower involved appear and give testimony regarding the complainant.

- D. If, after considering the matter, the Mayor and Commission shall determine that one of the causes for revocation of the official tower's license as set forth in § 208-5C exists, the license shall be revoked and the tower shall surrender the same to the City Clerk within one day.
- E. Failure to surrender the license upon revocation shall constitute a violation of this chapter.
- F. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

**§ 208-15. Violations and Penalties.**

- A. Any person who shall violate any of the provisions of this chapter shall, upon conviction be punished by a fine not to exceed \$1,000; and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.
- B. In addition to the fine provided above, a violation of any of the provisions of this chapter shall be cause for revocation of the official tower's license.

BE IT FURTHER ORDAINED that this Ordinance shall take effect on final passage, approval and publication.

FIRST READING    May 3, 2007

PUBLICATION      May 7, 2007

PUBLIC HEARING: May 17, 2007

**ORDINANCE NO. 2007-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 102 - DEVELOPMENTAL REGULATIONS  
OF THE CODE OF THE CITY OF VENTNOR CITY**

**BE IT ORDAINED** by the Board of Commissioners of the City of Ventnor City that Chapter 102 of the Code of the City of Ventnor City shall be amended and supplemented as follows:

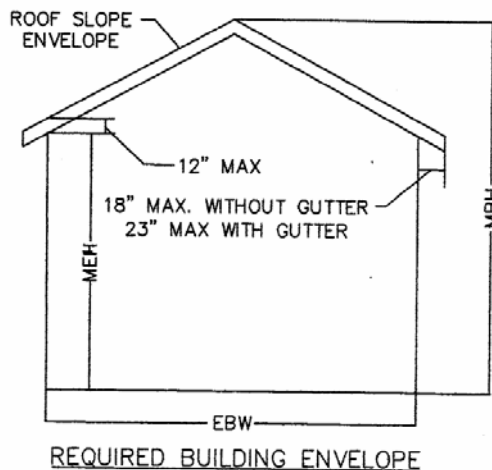
**SECTION I. Section 102-11 Definitions:** The following definitions are hereby amended and added:

**BUILDING, MAXIMUM BUILDING HEIGHT** - The maximum building height for principal buildings shall be the vertical distance measured from Elevation 13.0 (NGVD 1929) for all principal structures located south of Atlantic Avenue and Elevation 12.0 (NGVD 1929) for all structures located north of Atlantic Avenue to the highest finished surface of the coping for a flat roof, deck line for a mansard roof, or gable for a pitched or hip roof structure. The building height for accessory structures shall be measured in the same manner with the exception that it shall be measured from Elevation 11.0 (NGVD 1929) for accessory buildings south of Atlantic Avenue and Elevation 10.0 (NGVD 1929) for accessory buildings north of Atlantic Avenue.

**BUILDING; EFFECTIVE BUILDING WIDTH** - The Effective Building Width (EBW) shall be determined by subtracting the total of the two Zoning District side yard setbacks, or the actual setbacks as may be established by variance approval, from the actual lot width dimension. For irregular shaped lots, the lot width shall be that distance between side lot lines at the Zoning District front yard setback. For corner lots, the lot width shall be the smaller of the two lot dimensions; and the Effective Building Width shall be calculated using the side yard, as determined above, and the required District front yard setback.

**BUILDING; MAXIMUM EAVE HEIGHT** - The Maximum Eave Height (MEH) shall be the vertical distance from Elevation 12.0 (NGVD1929) for all structures north of Atlantic Avenue and Elevation 13.0 (NGVD1929) for all lots south of Atlantic Avenue to the underside of the roof eave.

**BUILDING; MAXIMUM ROOF SLOPE** - The maximum roof slope shall be that slope established by a direct line connecting a point not more than 12" vertically above the intersection of the Effective Building Width envelope with the Maximum Eave Height to a point intersecting the Maximum Building Height with the center of the Effective Building Width; as shown below:



**SECTION II.** Subchapters 102-14.H., 102-22.H., 102-30.H., 102-38.H., 102-46.H., 102-54.H., 102-62.H., 102-70.F., 102-74.F., 102-83.4.A.(7), 102-83.16.A.(6), and 102-106.H. are changed to read as follows:

**The maximum principal building height shall be as determined in Subchapter 102-118. The maximum accessory building height shall be 12 feet**

**SECTION III.** Paragraph C. of **Subchapter 102-118.2 Exceptions** is changed to read as follows:

- C. The maximum principal building height limits in Chapter 102 - Developmental Regulations shall not apply church spires, church belfries, church cupolas in Residential Districts; municipally owned buildings in all Districts; and chimneys, flues, elevators, or mechanicals in Design and City Commercial Districts, provided that:
- (1) The aggregate area covered by all such features shall not exceed 20% of the total roofed area; and
  - (2) The height of such features shall not exceed fifteen (15) feet above the maximum permitted principal building height for the District.

**SECTION IV.** The following Subchapter is added:

**102-118 Building Height.**

The Maximum Eave Height and Maximum Permitted Principal Building Height shall be determined based on the Effective Building Width as follows:

<b>Effective Building Width</b>	<b>Max. Eave Height</b>	<b>Max. Building Height</b>
Less than 24	20.0 feet	27 feet
24 feet to less than 30 feet	21.0 feet	29 feet
30 feet to less than 35 feet	22.0 feet	31 feet
35 feet to less than 40 feet	22.5 feet	33 feet
40 feet and over	23.0 feet	35 feet

The roof of the Principal Building shall be contained within the envelope as described under **Building, Maximum Roof Slope** (Required Building Envelope) using the Maximum Eave Height and Maximum Building Height for the particular lot as determined above. Dormer projections are permitted outside of the maximum roof slope envelope provided that they do not project beyond the Effective Building Width envelope and are not more than 30% in length (along each side yard); the length as determined by using the physical lot depth dimension minus the total of the required District rear yard setback and required District front yard setback. For example, if the physical lot depth is 80 feet; the District front yard setback requirement is 12 feet; and the District rear yard setback requirement is 15 feet, the length of dormer projection into the roof slope envelope shall not be longer than 15.9 feet along either side yard (30% of 80-15-12; or  $0.3 \times 53 = 15.9$  feet). No dormer shall be permitted to be closer than ten feet to the front and rear setback lines. Lesser setbacks for front and rear yards as granted by variance shall not be utilized in the calculation of permitted dormer lengths.

**SECTION V.** The following paragraph is added to Subchapter **102-147. Enforcing Officer; Duties:**

- F. Surveys signed and sealed by a N.J. Licensed Professional Surveyor shall be submitted to the Municipal Construction Code Official within five (5) business days following completion of each of the followings stages of construction:
- (1) Foundation/top of block indicating setbacks to all property lines and Effective Building Width
  - (2) Completion of roof framing showing all of the information contained in Paragraph a. and maximum eave heights and eave overhangs along side yards and maximum building height.
  - (3) Final Survey after completion of building(s) and site improvements showing building and mechanical setbacks to all property lines, first floor elevation, finished building height elevation, and finished eave height elevation based on (NGVD1929), .
  - (4) If the Owner, Contractor, or Building Permittee fails to submit the information within the required time, the Construction Code Official shall order stoppage of the work and issue written notice to the Property Owner and Building Permittee to comply within ten (10) days of the date of the letter and submit the necessary survey, or surveys. If the required surveys are not received within the ten (10) day period, the Construction Code Official shall file a complaint for violation of this Subchapter with the Municipal Court

**SECTION VI.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION VII.** Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance

**SECTION VIII.** This Ordinance shall take effect **45** days after final passage, approval, and publication.

**\*The effective date was changed from ~~30~~ days to 45 days. Change included in motion to adopt.**

FIRST READING:	May 17, 2007
FIRST PUBLICATION:	May 21, 2007
PUBLIC HEARING:	June 7, 2007
ADOPTION:	June 7, 2007
<i>Final Publication:</i>	June 11, 2007

**ORDINANCE 2007-06**

BOND ORDINANCE APPROPRIATING THE SUM OF \$450,000 FOR REHABILITATION OF VENTNOR FISHING PIER IN THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY. APPROPRIATING \$143,750. AS THE RESULT OF A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM AND AUTHORIZING DEBT IN THE FORM OF A LOAN FROM THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN TRUST LOCAL ASSISTANCE PROGRAM, IN THE AMOUNT OF \$306,250, AND AUTHORIZING THE ISSUANCE OF ANY FINANCING DOCUMENTS AS SPECIFIED IN A GREEN TRUST PROJECT AGREEMENT TO BE EXECUTED BY THE CITY OF VENTNOR CITY AND THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1.

The improvement described in Section 3 of this bond ordinance is hereby authorized as general improvement to be made or acquired by the City of Ventnor City, New Jersey. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$450,000, said sum being inclusive of all appropriations heretofore made therefor.

Section 2.

For the financing of said improvements or purposes, and to meet the said \$450,000 appropriation, the city is authorized to execute such grant and loan document or documents as may be required by the State of New Jersey, pursuant to the New Jersey Green Trust Local Assistance Program, including but not limited to the execution of a Green Trust Project Agreement authorizing the city to obtain a long-term, low-interest loan from the State of New Jersey in the amount aforesaid, to be paid over a period not exceeding twenty (20) years.

Section 3.

(a) The improvement hereby authorized and purpose for the financing of which said obligation is to be issued, is the Rehabilitation of Ventnor Fishing Pier Project accordance with an agreement with the State of New Jersey, Department of Environmental Protection and Energy Green Trust Local Assistance Program, which specifies the details of the property to be acquired, a copy of the agreement being on file in the City Clerk's office and available for inspection.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose \$306,250.

(c) The estimated cost of said purpose is \$450,000.

Section 4.

The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a purpose or improvement which the city may lawfully acquire or make as a general improvement which the city may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property benefited thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by said Law has been duly made and filed in the office of the City Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Governmental Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the net debt of the bonds provided for in this bond ordinance by \$450,000, and said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.

(d) An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expenses listed in and permitted under section 40A: 2-20 of said Law may be included as part of the cost of said improvement and is included in the forgoing estimated thereof.

(e) This bond ordinance authorizes obligations of the city solely for purposes described in paragraph (d) of section 40A: 2-7 of said Law; and said purposes are in the interest and are for the health, welfare convenience or betterment of the inhabitants of the city and the amount to be expended for said purposes pursuant to this bond ordinance are not unreasonable or exorbitant and the issuance of the said obligations authorized by this bond ordinance will not materially impair the credit of the city or substantially to pay punctually the principal of and interest on its debts and supply other essential public improvements and services, and Local Finance Board of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey has heretofore a determination to this effect and caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(f) The Green Acres Program under which the proposed Rehabilitation of Ventnor Fishing Pier Project has been authorized, Application No. 0122-05-001, and the Green Trust Local Assistance Program Agreement, which has been executed by the City of Ventnor City, provides for grant in the amount of \$143,750 and a loan in the amount of \$306,250 to the City of Ventnor City as provided for in the Green Trust Project Agreement.

Section 5.

The full faith and credit of the City of Ventnor City is hereby pledged to the punctual payment of the principal and any interest on said obligation authorized by this ordinance. Said obligation shall be a direct, unlimited obligation of the city and the city shall be obligated to levy ad valorem taxes upon all taxable properties within the City of Ventnor City for the payments of said obligation and interest thereon, without limitation of the rate or amount.

Section 6.

A temporary capital budget has been adopted by the City of Ventnor City and placed on file with the City Clerk in the form prescribed by the Division of Local Government Services of the New Jersey Department of Community Affairs.

Section 7.

This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said by said Local Bond Law.

FIRST READING    May 17, 2007

PUBLICATION      May 21, 2007

PUBLIC HEARING & ADOPTION: June 7, 2007



**ORDINANCE NO. 2007-07**

**BOND ORDINANCE APPROPRIATING \$1,885,000, AND AUTHORIZING THE ISSUANCE OF \$1,790,750 BONDS OR NOTES OF THE CITY FOR VARIOUS PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY.**

**THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), DO ORDAIN AS FOLLOWS:**

**Section 1. The several improvement described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Ventnor City, in the County of Atlantic , New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,885,000, including the sum of \$94,250 as downpayment required by the Local Bond Law. The downpayment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.**

**Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,885,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$1,790,750 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in a principal amount not exceeding \$1,790,750 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.**

**Section 3. The improvements hereby authorized and the purpose for the financing of which said obligations are to be issued , the appropriation made for and the estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for the purpose, is as follows:**

**(a) The rehabilitation of the Ventnor Fishing Pier in accordance with an agreement with the State of New Jersey, pursuant to the New Jersey Green Trust Local Assistance Program.**

**APPROPRIATION AND ESTIMATED COST - \$1,885,000  
MAXIMUM AMOUNT OF BONDS OR NOTES - \$1,790,750**

**Section 4. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed, from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.**

**Section 5. The capital budget of the City of Ventnor City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for inspection.**

**Section 6. The following matters are hereby determined, declared, recited and stated:**

**(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the City may lawfully acquire or make as a local improvement.**

(b) The period of usefulness of said purpose, within the limitations of said Local Bond Law and according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The supplemental debt statement required by said Law has been duly prepared and filed in the office of the City Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Finance in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in said Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,790,750, and that the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense mentioned in and permitted under section 40A:2-20 of said Law has been included in the foregoing estimate of the cost of said improvement or purpose.

**Section 7.** The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

**Section 8.** This bond ordinance shall take effect 20 days after the first publication thereof after final passage, as provided by said Local Bond Law.

FIRST READING    May 17, 2007

PUBLICATION      May 21, 2007

PUBLIC HEARING & ADOPTION: June 7, 2007

**ORDINANCE NO. 2007- 08**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 102 - DEVELOPMENTAL REGULATIONS  
OF THE CODE OF THE CITY OF VENTNOR CITY**

**BE IT ORDAINED** by the Board of Commissioners of the City of Ventnor City that Chapter 102 of the Code of the City of Ventnor City shall be amended and supplemented as follows:

**SECTION I. Section 102-144 Stormwater Management:** This subchapter is deleted and replaced with the following:

**102-144. Stormwater Management.**

- A. The State of New Jersey has adopted regulations on January 05, 2004, which imposes conditions and requirements upon Municipalities under N.J.A.C. 7:7A and 7:14A relating to the methods of stormwater management and the issuance of stormwater discharge permits. The adopted rules and regulations address "Phase II" regulations that the United States Environmental Protection Agency (**USEPA**) published in December 08, 1999 Federal Register (64 Fed. Reg. 68721) concerning such permits. The State of New Jersey has determined Ventnor City to be a Tier A Municipality and has issued a NJPDES General Permit No. NJ0141852 to control and regulate municipal stormwater discharge.
- B. As part of the permitting regulations, Ventnor City must adopt a Stormwater Management Plan; and also both adopt and enforce stormwater regulations to enforce said Plan. A Stormwater Plan was prepared; presented to the Ventnor City Planning Board; and was approved as a Stormwater Element of the City's Master Plan on June 13, 2007. Said Plan, a copy of which is on file in the Municipal Clerk's Office, recognizes the Ventnor's uniqueness as part of a barrier island system and the major influences that tidal flooding and shallow groundwater have on the functionality of retention basins and underground storage systems. However, there still remains an obligation under the NJPDES Permit for the Municipality to adopt stormwater ordinances in order to effectuate compliance with the State Regulations.
- C. As a requirement of State Regulation, the City of Ventnor hereby adopts and incorporates by reference into its Developmental Regulations and set forth as part of its Stormwater Pollution Prevention Plan (SPPP), the applicable stormwater management requirements and conditions as provided for under N.J.A.C. 7:8-1, et seq, as currently amended and as may be amended from time to time. Any developer meeting the requirements of a Major Development as defined in said regulations, which development does not require the review of the State of New Jersey, must meet said regulations as to quantity and quality of runoff and/or recharge as may be applicable within the criteria so stated. Any variances necessitated by limited site conditions; for which approval is obtained through formal application to the Ventnor City Planning or Zoning Board; and for which approval must be received for said variances from the State of New Jersey shall be at the sole cost of the Developer. The interpretation as to the applicability of the technical requirements of said Stormwater Regulations shall be under the purview and approval of the Ventnor Municipal Engineer.

**SECTION II.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION III.**\_\_\_ Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance

**SECTION IV.** This Ordinance shall take effect on final passage, approval, and publication.

FIRST READING June 21, 2007

PUBLICATION June 25, 2007

FINAL READING July 5, 2007

**ORDINANCE NO. 2007-09**

**BOND ORDINANCE APPROPRIATING \$450,000, AND AUTHORIZING THE ISSUANCE OF \$427,500, BONDS OR NOTES OF THE CITY FOR VARIOUS PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY.**

**THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), DO ORDAIN AS FOLLOWS:**

**Section 1.** The several improvement described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Ventnor City, in the County of Atlantic , New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$450,000, including the sum of \$22,500 as downpayment required by the Local Bond Law. The downpayment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** For the financing of said improvements or purposes and to meet the part of said \$450,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$427,500 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in a principal amount not exceeding \$427,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.

**Section 3.** The improvements hereby authorized and the purpose for the financing of which said obligations are to be issued , the appropriation made for and the estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for the purpose, is as follows:

(a) The rehabilitation of the Ventnor Fishing Pier in accordance with an agreement with the State of New Jersey, pursuant to the New Jersey Green Trust Local Assistance Program.

**APPROPRIATION AND ESTIMATED COST - \$450,000**

**MAXIMUM AMOUNT OF BONDS OR NOTES - \$427,500**

**Section 4.** All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed, from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

**Section 5.** A temporary capital budget has been adopted by the City of Ventnor City and placed on file with the City Clerk in the form prescribed by the Division of Local Government Services of the New Jersey Department of Community Affairs.

**Section 6.** The following matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the City may lawfully acquire or make as a local improvement.

(b) The period of usefulness of said purpose, within the limitations of said Local Bond Law and according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The supplemental debt statement required by said Law has been duly prepared and filed in the office of the City Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Finance in the Department of Community Affairs of the State of New Jersey, and such statement

shows that the gross debt of the City as defined in said Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$427,500, and that the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$45,000 for items of expense mentioned in and permitted under section 40A:2-20 of said Law has been included in the foregoing estimate of the cost of said improvement or purpose.

**Section 7.** The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

**Section 8.** This bond ordinance shall take effect 20 days after the first publication thereof after final passage, as provided by said Local Bond Law.

FIRST READING July 19, 2007

PUBLICATION July 23, 2007

FINAL READING August 2, 2007

**ORDINANCE NO. 2007-10**

**AN ORDINANCE AMENDING AND SUPPLEMENTING DEVELOPMENT REGULATIONS OF  
THE CITY OF VENTNOR CITY PERTAINING TO AWNINGS, SECTION 102-118.7F**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY that Chapter 102 of the Code of the City of Ventnor City be amended and supplemented as follows:

Section I. **Section 102-118.7. F. Signs.** is amended to read as follows:

F. Awning signs and awnings may be used, provided that the lettering appears on the vertical front or side flaps and that no part of the lettering is greater than ten (10) inches in height. Also, the awning must not protrude greater than six (6) feet from the building and the main support frame must be at a height of six feet eight inches (6' 8") feet above sidewalk grade.

SECTION II: All Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION III: This Ordinance shall take effect immediately upon passage and publication as required by law.

FIRST READING: July 19, 2007

PUBLICATION: July 23, 2007

FINAL READING: August 2, 2007

**ORDINANCE NO. 2007-11**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE VENTNOR CITY CODE CHAPTER 197.9, STREETS & SIDEWALKS, AS IT PERTAINS TO OBSTRUCTION BY GOODS OR MERCHANDISE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY that Chapter 197 of the Code of the City of Ventnor City be amended and supplemented as follows:

Section I. **Section 197-9. Obstruction by goods or merchandise.** is amended to read as follows:

B(1) Benches, seats, stools, tables and clothing racks may be placed in or along the public easement sidewalk area, provided that a thirty-six (36) inch minimum cartway for public passage shall be maintained, and only within the address limits as indicated on the Ventnor City mercantile license located in the City Commercial Zones along Ventnor, Atlantic and Dorset Avenues, provided that each owner submit to the City Clerk a paid up insurance policy covering liability for injury to any person or persons in the amount of at least \$500,000.00 with an endorsement attached naming the City of Ventnor City as an additional insured.

SECTION II: All Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION III: This Ordinance shall take effect immediately upon passage and publication as required by law.

FIRST READING: July 19, 2007

PUBLICATION: July 23, 2007

FINAL READING: August 2, 2007

**ORDINANCE NO. 2007-12**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 158 - NUISANCES  
OF THE CODE OF THE CITY OF VENTNOR CITY**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City that Chapter 158 of the Code of the City of Ventnor City shall be amended and supplemented as follows:

SECTION I. Section 158-1 Nuisances Enumerated.: The following is hereby added:

F. The failure of a property owner to maintain vacant lands such that the surface material is subject to wind or water erosion affecting adjacent properties and structures and/or the municipal infrastructure.

SECTION II. Section 158-5 Procedure for maintenance; violations and penalties.

Paragraph A. is changed to read as follows:

Upon any examination by the appropriate Municipal Official of the City of Ventnor City to determine the need for application of erosion control measures or the cutting and/or shearing of vegetation on said vacant lands, an appropriate notice shall be forwarded to the lot owner(s) to advise them that certain erosion control measures as may be determined by the Municipal Construction Code Official, or cutting and/or shearing of grass and foliage must be completed within a ten day period.

Paragraph C. is changed to read as follows:

The assessment will be based on a charge of \$0.10 per square foot for cutting and/or shearing and \$0.25 per square foot for erosion control measures, plus any cost for labor and materials which the City has incurred as a result of that work.

SECTION III. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance

SECTION V. This Ordinance shall take effect on final passage, approval, and publication.

FIRST READING: August 16, 2007

PUBLICATION: August 20, 2007

FINAL READING: September 6, 2007



**ORDINANCE NO. 2007-13**

ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 2006-15, ESTABLISHING 2007 SALARIES, COMPENSATION AND SALARY RANGES OF OFFICERS AND EMPLOYEES OF THE CITY OF VENTNOR CITY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that Section III of Ordinance 2006-15 shall be amended to read as follows:

SECTION I. The following shall constitute the salary ranges and compensation referred to hereinabove:

DP CODE	TITLE	SALARY RANGE	
		FROM	TO
04120	Tax Assessor	\$15,000	\$65,000

SECTION II. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION III. Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION XII. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

FIRST READING: October 18, 2007

PUBLICATION: October 22, 2007

PUBLIC HEARING

& ADOPTION: November 1, 2007

**ORDINANCE NO. 2007-14**

**AN ORDINANCE AMENDING THE NORTHEAST  
VENTNOR REDEVELOPMENT PLAN  
(Chapter 180A)**

WHEREAS, and pursuant to Ordinance No. 2001-6, the City of Ventnor City (hereinafter "City") adopted and otherwise implemented the Northeast Ventnor Redevelopment Plan as detailed in a booklet prepared by Schoor DePalma, Engineers and Design Professionals, final draft dated July 26, 2001 which adoption is codified in Chapter 180A captioned "Redevelopment Plans of the Code of the City of Ventnor City"; and

WHEREAS, the Planning Board of the City of Ventnor City has undertaken a review of the Northeast Ventnor Redevelopment Plan and has proposed amendments to the Northeast Ventnor Redevelopment Plan; and

WHEREAS, the City has determined to accept and otherwise implement the amendments to the Northeast Ventnor Redevelopment Plan as recommended by the Planning Board of the City; and

WHEREAS, to effectuate the amendments of the Northeast Ventnor Redevelopment Plan the City shall by Ordinance adopt, recommend and cause the amendment of the Northeast Ventnor Redevelopment Plan;

NOW, THEREFORE, BE IT ORDAINED by the City of Ventnor City that the Northeast Ventnor Redevelopment Plan is hereby amended as follows:

SECTION I. The Northeast Ventnor Redevelopment Plan contained in a booklet captioned "Final Draft, July 26, 2001" be and the same is hereby amended as follows:

1. Section 3.2 of the Northeast Ventnor Redevelopment Plan captioned "Redevelopment Parcels" is amended and supplemented which amendments and supplements are incorporated by reference hereto, same being designated as revised Pages 11, 12, and 13, of the Redevelopment Plan.
2. Section 3.3 Schedule of Land Use and Development Requirements Paragraph A is amended and supplemented which amendment and supplement is incorporated by reference hereto by the addition of the definition of Dwelling Unit pursuant to and indicated on revised Page 14.
3. Section 3.3 Schedule of Land Use and Development Requirements Paragraphs B, C and D captioned "Permitted Uses" is amended and supplemented which amendments and supplements are incorporated by reference hereto same being designated as revised Pages 15, 16 and 17.
4. Section 3.3E Parking Requirements is amended and supplemented which amendments and supplements are incorporated by reference hereto same being designated as revised Page 17.
5. Section 4.0 of the Northeast Ventnor Redevelopment Plan captioned "Estimation of Relocation: Residential and Commercial Units" is amended and supplemented which amendments and supplements are incorporated by reference hereto same being designated as revised Page 40.

6. Section 5.0 Property Acquisition is amended and supplemented which amendments and supplements are incorporated by reference hereto same being designated as revised Page 41.
7. Appendix A: Land Use and Redevelopment Parcel Map dated July 2001 prepared by Schoor DePalma is deleted in its entirety and replaced with a map captioned "City of Ventnor City Land Use Plan Northeast Ventnor Redevelopment Area dated October 2007.

SECTION II. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extend of such inconsistency.

SECTION III. Should any section, clause, sentence, phrase, provision or application of this Ordinance be declared unconstitutional or invalid by court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION IV. This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

FIRST READING:	November 1, 2007
PUBLICATION:	November 5, 2007
PUBLIC HEARING:	November 15, 2007
FINAL READING & ADOPTION	November 15, 2007

**ORDINANCE NO. 2007-15**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 181-7 OF THE CODE OF THE CITY OF VENTNOR CITY PERTAINING TO RENTAL PROPERTY FEES**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY that Chapter 181-7 of the Code of the City of Ventnor City and pertaining to rental property shall be amended and supplemented as follows:

SECTION I. Chapter 181-7 Fees. At the time of filing the registration form, the owner shall pay a fee in the amount of \$30.00 for each rental unit. Thereafter, an annual license fee of \$30.00 shall be due. Failure to pay the annual license renewal fee within thirty (30) days of due date shall incur a late fee in the amount of \$15.00 in addition to the annual fee. A late fee shall be assessed for each additional or part of an additional thirty (30) day period.

SECTION II. All Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION III: This Ordinance shall take effect immediately upon final passage, approval and publication, according to law.

FIRST READING: November 1, 2007

PUBLICATION: November 5, 2007

FINAL READING: November 15, 2007

**ORDINANCE No. 2007-16**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102 - DEVELOPMENTAL REGULATIONS OF THE CODE OF THE CITY OF VENTNOR CITY RELATING TO CONSTRUCTION FENCING**

**BE IT ORDAINED** by the Board of Commissioners of the City of Ventnor City that Chapter 102 of the Code of the City of Ventnor City shall be amended and supplemented as follows:

**SECTION I.** The following shall be added:

**Section 102-179. Reserved**

**ARTICLE XXVIII  
Construction Fencing**

**Section 102-180. Locations.**

1. Construction fencing shall only be permitted within Zoning Districts labeled C-City Commercial, MU-Mixed Use, DC-Design Commercial, and C/MU-Commercial Mixed Use as shown on the Official Zoning Map of the City of Ventnor City.
2. The exact location on the property or, as needed in order to protect the Public Safety, within the street right of way, shall be determined only by the Municipal Construction Code Official

**Section 102-181. Height and Material.**

1. Construction fencing shall be of chain link material. Infill slating of the chain link material shall not be permitted.
2. Construction fencing shall not be higher than seven (7) feet when measured from the ground surface. No barbed wire or electrification of fencing will be permitted.
3. Gates shall be provided at all entry locations, Vehicle gate locations shall be as determined by the Police Department in concert with the Construction Code Official.
4. Fencing shall have not permanent foundations but shall have surface spread footings to prevent toppling from wind. The Construction Code Official may require additional measures to prevent overtopping of the fencing to meet safety requirements.
5. Construction fencing shall be capable of being easily moved as may be directed by the Construction Code Official.

**Section 102-182. Permits and Fees.**

1. Permission for the erection of Construction Fencing shall be obtained only from the Municipal Construction Code Official through the issuance of a Zoning Permit and the payment of the necessary fee.
2. The length of the initial permit shall not exceed 45 calendar days from its issuance. A one -time extension to said permit may be granted by the Construction Code Official, if deemed necessary for the continuation of Public Safety, for an additional 45 days for a total not to exceed 90 calendar days. Any additional length of time shall only be issued with the consent of the Governing Body.
3. The erection of Construction Fencing may be approved by either a Planning or Zoning Board as part of a condition of such Board action. The respective Board shall set any bonding requirements and length of time, which may be in excess of the 90 calendar day limit, as part of such action.

**SECTION II.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION III.** Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance

**SECTION IV.** This Ordinance shall take effect on final passage, approval, and publication.

FIRST READING November 15, 2007  
PUBLICATION November 19, 2007  
FINAL READING December 6, 2007