

| ORDINANCE # | 2013 ORDINANCES PENDING & ADOPTED | PUBLIC HEARING & ADOPTION |
|-------------|---|------------------------------|
| 2013-01 | AMEND BOND ORD 2010-14 | 2-12-13 |
| 2013-02 | REFUNDING BOND | 3-14-13 |
| 2013-03 | AMEND WATER RATES | 3-14-13 |
| 2013-04 | AMEND SEWER RATES | 3-14-13 |
| 2013-05 | AMEND ZONING/PLANNING APPLICATION & ESCROW FEES | 3-14-13 |
| 2013-06 | AMEND CHP 193, SPECIAL EVENTS | 4-18-13 |
| 2013-07 | COLA (CAP BANK) | 4-18-13 |
| 2013-08 | SALARY ORDINANCE | 5-16-13 |
| 2013-09 | WATER/SEWER BOND | 4-18-13 |
| 2013-10 | GENERAL PURPOSE BOND | 4-18-13 |
| 2013-11 | TABLED | |
| 2013-12 | TABLED | |
| 2013-13 | AMEND CHP 126, FLOOD HAZARD AREAS | 9-19-13 |
| 2013-14 | AMEND CHP 81, BOATING | 6-20-13 |
| 2013-15 | AMEND CHP 44, RESIDENCY POLICLY | 6-20-13 |
| 2013-16 | AMEND CHP 214, VEHICLES & TRAFFIC (TIME LIMIT PARKING, PARKING METER REGULATIONS & ANGLE PARKING | 6-20-13 |
| 2013-17 | AMEND CHP 102-11, DEFINITION OF BULDING HEIGHTS | 9-19-13 |
| 2013-18 | AMEND IN ITS ENTIRETY CHP 38, POLICE DEPARTMENT | 11-21-13 |
| 2013-19 | AMEND CHP 102, DUPLEXES AND/ OR 2 FAMILY DWELLINGS | 10-17-13 |
| 2013-20 | AMEND SECTION 102-160.4 ADD ADMINISTRATIVE TAX MAP MAINTENANCE FEE | 11-21-13 |
| 2013-21 | AMEND BOND ORDINANCE 2013-10 | 11-21-13 |

CITY OF VENTNOR CITY, NEW JERSEY

ORDINANCE NO. 2013-01

**ORDINANCE AMENDING BOND ORDINANCE 2010-14 OF
THE CITY OF VENTNOR CITY, IN THE COUNTY OF
ATLANTIC, NEW JERSEY**

BE IT ORDAINED, by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey ("City") (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. Section 7(A), (E) and (F) of Bond Ordinance 2010-14 is hereby amended to provide as follows:

| | <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----|--|--|--------------------------------|---|--|
| A. | Replacement of various sanitary sewer mains and laterals throughout the City, together with the acquisition of all materials and equipment and completion of all work necessary therefore, or related thereto, all as more particularly described in the records on file and available for inspection in the office of the City Clerk. | \$4,721,842 | \$236,092 | \$4,485,750 | 40 years |
| E. | Acquisition of various vehicles for the Utility Department including but not limited to, Pick-up Trucks together with the acquisition of all materials and equipment and completion of all work necessary therefore, or related thereto. | 242,836 | 12,142 | 230,694 | 5 years |
| F. | Acquisition and Installation of various pieces of Equipment, including but not limited to, Fire Hydrants, Fittings and Valves, together with the acquisition of all materials and equipment and completion of all work necessary therefore, or related thereto. | 1,119 | 56 | 1,063 | 15 years |

Section 2. Section 8 of the Bond Ordinance is hereby amended to provide as follows:

"Section 8. The average period of useful life of the several purposes for the financing of which the Bond Ordinance authorized the issuance of bonds or

bond anticipation notes authorized for such several purposes, is not less than 35.15 years. "

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended capital budget and capital improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the City Clerk and available for public inspection.

Section 4. All other parts of the Bond Ordinance not amended hereby shall remain in full force and effect.

Section 5. In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

**CITY OF VENTNOR CITY, NEW JERSEY
ORDINANCE NO. 2013-02**

**REFUNDING BOND ORDINANCE PROVIDING FOR THE
REFUNDING OF THE CITY'S OUTSTANDING CALLABLE
GENERAL OBLIGATION BONDS, SERIES 2004A, DATED
AUGUST 1, 2004; AUTHORIZING THE ISSUANCE OF UP
TO \$2,300,000 OF GENERAL OBLIGATION REFUNDING
BONDS OF THE CITY OF VENTNOR CITY, COUNTY OF
ATLANTIC, NEW JERSEY, TO FINANCE THE COSTS
THEREOF; MAKING CERTAIN DETERMINATIONS AND
COVENANTS IN CONNECTION THEREWITH; AND
AUTHORIZING CERTAIN RELATED ACTIONS IN
CONNECTION WITH THE FOREGOING**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The City of Ventnor City, County of Atlantic, New Jersey ("City"), is hereby authorized to refund all of its outstanding callable General Obligation Bonds, Series 2004A, dated August 1, 2004, in the aggregate principal amount of \$2,150,000 (consisting of \$2,085,000 General Improvement Bonds and \$65,000 Water and Sewer Utility Bonds) and maturing on August 1 in the following years and principal amounts (collectively, the "Callable Bonds"):

| <u>Year</u> | 1) <u>General</u> 2) <u>Improvement</u> | <u>Water and</u> <u>Sewer Utility</u> | 3) <u>Total</u> 4) <u>Principal</u> <u>Amount</u> |
|-------------|--|--|---|
| 2014 | \$305,000 | \$65,000 | \$370,000 |
| 2015 | 320,000 | | 320,000 |
| 2016 | 340,000 | | 340,000 |
| 2017 | 355,000 | | 355,000 |
| 2018 | 375,000 | | 375,000 |
| 2019 | 390,000 | | 390,000 |

The exact principal amount of Callable Bonds to be refunded (which may be less than all of the Callable Bonds) shall be determined pursuant to a resolution adopted by the Board of Commissioners by not less than two-thirds of all the members thereof.

Section 2. To effectuate the refunding of up to all of the Callable Bonds, negotiable general obligation refunding bonds of the City are hereby authorized to be issued in one or more series in an aggregate principal amount not to exceed \$2,300,000 ("Refunding Bonds"), pursuant to the Local Bond Law. The maximum principal amount of Refunding Bonds to be issued and other

terms thereof shall be determined pursuant to a resolution adopted by the Board of Commissioners by not less than two-thirds of all the members thereof.

Section 3. An aggregate amount not exceeding \$85,000 for the items of expense listed in and permitted by Section 51.b. of the Local Bond Law, N.J.S.A. 40A:2-51.b., has been included in the aggregate principal amount of the Refunding Bonds authorized herein.

Section 4. The purpose of the Refunding Bonds is to effect an interest cost savings for the City.

Section 5. Each Refunding Bond authorized herein shall be designated, substantially, "City of Ventnor City, County of Atlantic, New Jersey, General Obligation Refunding Bond, Series 20__" and shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the City shall approve.

Section 6. The Refunding Bonds may be sold at public or private sale pursuant to a resolution of the Board of Commissioners adopted by not less than two-thirds of the full members thereof.

Section 7. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the City Clerk prior to the passage of this refunding bond ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Chief Financial Officer and/or Administrator of the City as to the outstanding indebtedness to be refunded by the issuance of the Refunding Bonds.

Section 9. This refunding bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

Date of Introduction: **February 21, 2013**

Date of Publication: **February 25, 2013**

**Date of Public Hearing &
Adoption** **March 14, 2013**

ORDINANCE NO. 2013-03

**AN ORDINANCE AMENDING CHAPTER 220
OF THE CODE OF THE CITY OF VENTNOR
AS THE SAME RELATES TO WATER USAGE**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City as follows:

SECTION I. Section 220-14 of the Code of the City of Ventnor shall be amended to read as follows:

Section 220-14. Usage Fees. The following rates and fees shall be in effect for the 2013 calendar year.

- | | |
|--|----------|
| A. Water - Annual Fixed Amount | \$176.00 |
| B. Variable rate per 1,000 gallons | \$ 1.05 |
| C. Variable rate per 1,000 gallons for the months of July, August and September | \$ 1.46 |

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

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

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

FIRST READING February 21, 2013

PUBLICATION February 25, 2013

PUBLIC HEARING &
ADOPTION March 14, 2013

Mayor John Michael Bagnell

Commissioner Frank Sarno

Commissioner Theresa D. Kelly

Janice Callaghan, RMC
City Clerk

ORDINANCE NO. 2013-06

**AN ORDINANCE AMENDING CHAPTER 193
SPECIAL EVENTS OF THE CODE OF THE CITY OF VENTNOR**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City as follows:

SECTION I. Section 193-2 of the Code of the City of Ventnor shall be amended to read as follows:

Section 193-2 L. shall be amended to read as follows:

Portable toilets must be provided by the permittee. If the event takes place within regular business hours, an on-site city employee attendee must be provided by the applicant to supervise our public rest rooms at a rate to be charged in accordance with the current schedule of the Board of Recreation Commissioners.

Section 193-3S, shall be added and read as follows:

If tents are required or amusements are being used, they shall be inspected by the appropriate local, state and federal agencies.

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

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

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

FIRST READING March 14, 2013

PUBLICATION March 18, 2013

PUBLIC HEARING &
ADOPTION April 18, 2013

ORDINANCE 2013-07

CALENDAR YEAR 2013

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (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 up to 2.00% 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 Commissioners of the City of Ventnor in the County of Atlantic finds it advisable and necessary to increase its CY 2013 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 Commissioners hereby determines that a 1.5% increase in the budget for said year, amounting to \$311,849 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the 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 final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Commissioners of the City of Ventnor, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the City of Ventnor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$727,648, and that the CY 2013 municipal budget for the City of Ventnor be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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 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 said Director within 5 days after such adoption.

FIRST READING March 14, 2013

PUBLICATION March 18, 2013

PUBLIC HEARING &
ADOPTION April 18, 2013

Mayor John Michael Bagnell

Commissioner Frank Sarno

Commissioner Theresa D. Kelly

Janice Callaghan, RMC
City Clerk

ORDINANCE 2013-08

**ESTABLISHING 2013 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 I. The following Schedule of Compensation shall be in effect in the City of Ventnor City and all officers and employees shall be paid in accordance with the schedule set forth in Section III hereof.

SECTION II. Titles of officers or positions that have been classified heretofore pursuant to recommendations of the New Jersey Department of Civil Service and shall be used in accordance with the terms enumerated in said schedule so far as practicable, and any salary herein authorized in excess of any minimum, intermediate or maximum rate of compensation heretofore authorized by Ordinance to that extent only.

SECTION III. The following shall constitute the schedule of salary ranges and compensation referred to hereinabove:

| DP CODE | TITLE | SALARY RANGE | |
|---------|--|--------------|------------|
| | | FROM | TO |
| 00001 | Account Clerk | \$20,000 | \$56,900 |
| | Attendants-Fishing Pier | \$5.25/hr | \$9.50/hr |
| | Attendants- Tennis | \$5.25/hr | \$10.70/hr |
| | Beach Cleaner | \$5.25/hr | \$9.50/hr |
| | Beach Fee Checker | \$5.25/hr | \$9.50/hr |
| | Captain, Beach Patrol | \$9.50/hr | \$32.00/hr |
| 00970 | Carpenter | \$20,000 | \$56,700 |
| 07451 | Chief Financial Officer | \$24,000 | \$92,000 |
| | Chief, Beach Patrol | \$13.50/hr | \$35.00/hr |
| 01245 | Clerk 1 | \$20,000 | \$25,000 |
| | Clerk/Typist/Receptionist (Part-Time Temporary) | \$7.50/hr | \$9.00/hr |
| 01229 | City Clerk | \$24,000 | \$77,400 |
| 01290 | Commissioner | \$7,500 | \$10,000 |
| 06096 | Construction Official/Building Sub-Code Official | \$20,000 | \$95,500 |
| 01509 | Deputy City Clerk | \$20,000 | \$25,000 |
| 01506 | Deputy Fire Chief | \$61,400 | \$117,900 |
| 07796 | Deputy Municipal Court Administrator | \$20,000 | \$29,500 |
| 05046 | Electrical Sub-Code Official | \$3,000 | \$16,000 |
| 01746 | Equipment Operator | \$20,000 | \$54,500 |
| 01836 | Fire Captain | \$61,000 | \$110,800 |
| 01837 | Fire Chief | \$61,000 | \$126,600 |
| 01839 | Fire Fighter | \$27,800 | \$90,400 |
| 01843 | Fire Lieutenant | \$57,700 | \$98,100 |
| 05200 | Fire Sub-Code/Plumbing Sub-Code Official | \$7,500 | \$27,200 |
| 06818 | General Supervisor Traffic Maintenance | \$20,000 | \$59,120 |
| 02071 | Housing Inspector | \$15,000 | \$61,500 |

SALARY RANGE

| DP CODE | TITLE | FROM | TO |
|----------------|--|-------------|-------------|
| 02219 | Judge of Municipal Court | \$15,000 | \$25,000 |
| 01268 | Keyboarding Clerk 1 | \$20,000 | \$49,500 |
| 02248 | Laborer | \$22,500 | \$48,300 |
| | Lieutenant, Beach Patrol | \$9.50/hr | \$23.00/hr |
| 02297 | Lifeguard | \$9.50/hr | \$22.00/hr |
| 02390 | Management Specialist | \$10,000 | \$45,000 |
| 02428 | Mayor | \$8,500 | \$10,000 |
| 02434 | Mechanic | \$23,900 | \$56,500 |
| 02456 | Mechanic's Helper | \$20,000 | \$53,200 |
| 02519 | Municipal Administrator | \$5,000 | \$60,000 |
| 07795 | Municipal Court Administrator | \$20,000 | \$49,818 |
| 05079 | Municipal Emergency Management Coordinator | \$15,000 | \$74,800 |
| 06328 | Municipal Engineer | \$50,000 | \$100,000 |
| 07305 | Parking Enforcement Officer | \$20,600 | \$26,700 |
| 02604 | Park Maintenance Worker | \$15,000 | \$52,300 |
| | Pier Master | \$250/wk | \$900/wk |
| 05056 | Plumbing Sub-Code Official | \$3,000 | \$27,200 |
| 02718 | Police Captain | \$69,984 | \$122,100 |
| 02719 | Police Chief | \$77,000 | \$131,300 |
| 02727 | Police Lieutenant | \$64,650 | \$111,150 |
| | Police Lieutenant, Assigned Detective | \$69,984 | \$122,150 |
| 02728 | Police Officer | \$26,592 | \$89,800 |
| | Police Officer, Assigned Detective | \$59,723 | \$100,800 |
| 02739 | Police Sergeant | \$59,723 | \$101,000 |
| | Police Sergeant, Assigned Detective | \$64,650 | \$110,700 |
| 02534 | Prosecutor | \$10,000 | \$31,000 |
| 01296 | Public Safety Telecommunicator | \$24,500 | \$59,800 |
| 06229 | Public Safety Telecommunicator Trainee | \$24,500 | \$54,800 |
| 02936 | Public Works Superintendent | \$15,000 | \$94,900 |
| 02495 | Pump Station Operator | \$22,500 | \$49,000 |
| 05674 | Receptionist/Telephone Operator Typing | \$15,000 | \$49,200 |
| 02993 | Recreation Leader | \$6,000 | \$52,100 |
| 02995 | Recreation Leader Arts & Crafts | \$12,000 | \$36,400 |
| 04440 | Recreation Leader Tennis | \$200/wk | \$840/wk |
| | Recycling Coordinator | \$2,500 | \$5,000 |
| 03125 | School Traffic Guard | \$20.00/day | \$55.00/day |
| 03679 | Sewer Equipment Operator | \$33,900 | \$51,500 |
| 05875 | Sewer Repairer/Water Repairer | \$31,400 | \$52,500 |
| 05945 | Sewer Superintendent/Water Superintendent | \$25,000 | \$76,400 |
| 06895 | Special Law Enforcement Officer | \$10,000 | \$21,900 |
| 03805 | Street Sweeper | \$15,000 | \$52,800 |
| 06724 | Supervising Mechanic | \$15,000 | \$63,300 |
| 06707 | Supervisor Sewer/Supervisor Water | \$15,000 | \$59,000 |
| 04120 | Tax Assessor | \$15,000 | \$30,000 |
| 04124 | Tax Collector | \$24,000 | \$77,400 |
| 53099 | Technician, Management Information Systems | \$30,000 | \$64,200 |
| 04189 | Traffic Maintenance Worker | \$15,000 | \$48,400 |
| 05742 | Water Meter Reader/Water Meter Repairer | \$10,000 | \$56,100 |

SECTION IV. The compensation indicated above shall be the maximum basic salary per annum within said title, payable in biweekly installments, exclusive of longevity.

SECTION V. The salaries and all rights contained in this Ordinance shall be effective as of January 1, 2013.

SECTION VI. Members of the Ventnor City Police Department and Ventnor City Fire Department will be granted one (1) working day of sick leave per month during the remainder of the first calendar year of employment after initial appointment and fifteen (15) working days of sick leave annually thereafter, or at one half of that rate while working 24 hour shifts, cumulative to the date of retirement. The maximum payment for accumulated sick leave at retirement is limited as specified in the respective employment agreements.

Members of the Ventnor City non-uniform departments will be granted one (1) working day of sick leave per month during the remainder of the first calendar year of employment after initial appointment and fifteen (15) working days of sick leave annually thereafter, cumulative to the date of retirement. Payment shall be calculated based upon the employee's base rate of salary at the termination date of employment, provided that the employee has completed at least twenty (20) years of service. The maximum payment for accumulated sick leave at retirement is limited as specified in the respective employment agreement.

SECTION VII. All permanent, non-uniform, non-contractual, full time employees shall be entitled to the same rights, privileges and benefits including but not limited to longevity, holidays, personal days, vacations, sick leave, maternity leave, jury duty, bereavement leave, leave of absence, educational leave and health insurance as set forth in the current labor contract of the non-uniform Clerical Employees.

All non-uniform employees shall be entitled to health and hospitalization coverage in the City's insurance program if employed as a full time employee. As of January 1, 1996, an employee must have ten (10) years of continuous service with the City of Ventnor City to be eligible for participation in the City's Group Health Insurance plan upon retirement. A full time employee is defined for this section as being employed in a Civil Service title set forth within this Ordinance, working no less than thirty-five (35) hours per week and employed for more than ninety (90) consecutive business days.

Medical Benefits: The City agrees to continue to provide health insurance coverage at least equal to health insurance coverage as currently in effect for all employees and the dependents of those employees currently covered by this agreement at the City's expense. However, employees shall be responsible for payment of 1.5% of their base salary, or any other additional amount required concerning health insurance required by law, through withholding from their pay, as a contribution for health benefit coverage. The term base salary shall mean the salary on which an employee's pension contribution or equivalent defined contribution retirement program salary is based. However, for employees hired after July 2007 for whom pensionable salary is limited to the salary on which social security contributions are based, the employees' total pensionable salary plus defined contribution retirement program eligible based salary would be used.

Benefit Waiver: The City agrees to pay a health benefit waiver stipend of twenty-five percent (25%) of the amount saved by the City because of the waiver of coverage or Five Thousand Dollars (\$5,000.00), whichever is less, if an employee covered herein agrees to waive participation in the City's health benefit plan, provided said employee agrees to be excluded for the entire calendar year and can document that the employee's spouse has health benefit coverage. Employees waiving participation shall receive payment in 12 equal monthly installments to be paid at the end of each month. Employees and their covered dependants may re-enter the city health benefit plan at any time with no re-enrollment penalty or delay if spouse's coverage is eliminated involuntarily.

SECTION VIII. Should death occur during employment to any employee with twenty (20) years or more service to the City of Ventnor City, all benefits accrued by said employee shall be payable to said employee's estate.

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

SECTION X. Reimbursement for business related travel shall be calculated at the standard mileage rate then in effect as determined and published from time to time by the Internal Revenue Service.

SECTION XI. 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.

Date of Introduction: March 14, 2013

Publication: March 18, 2013

Public Hearing April 18, 2013

Date of Adoption: May 16, 2013

Mayor John Michael Bagnell

Commissioner Frank Sarno

Commissioner Theresa D. Kelly

Janice Callaghan, RMC
City Clerk

**CITY OF VENTNOR CITY, NEW JERSEY
ORDINANCE NO. 2013-09**

**BOND ORDINANCE AUTHORIZING THE
CONSTRUCTION OF VARIOUS IMPROVEMENTS TO
THE WATER/SEWER UTILITY SYSTEM AND THE
ACQUISITION OF WATER/SEWER UTILITY
EQUIPMENT FOR THE CITY OF VENTNOR CITY,
COUNTY OF ATLANTIC, NEW JERSEY;
APPROPRIATING THE SUM OF \$2,350,000 THEREFOR;
AUTHORIZING THE ISSUANCE OF GENERAL
OBLIGATION BONDS OR BOND ANTICIPATION NOTES
OF THE CITY OF VENTNOR CITY, COUNTY OF
ATLANTIC, NEW JERSEY, IN THE AGGREGATE
PRINCIPAL AMOUNT OF UP TO \$2,350,000 MAKING
CERTAIN DETERMINATIONS AND COVENANTS; AND
AUTHORIZING CERTAIN RELATED ACTIONS IN
CONNECTION WITH THE FOREGOING**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Ventnor City, County of Atlantic, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$2,350,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$2,350,000.

Section 3. The sum of \$2,350,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$2,350,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$2,350,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to

deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$470,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

| | <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----|---|-----------------------------|---------------------|------------------------------|-----------------------------|
| A. | Replacement of water meters throughout the City, together with the acquisition of all materials and equipment and completion of all work necessary therefore, or related thereto, all as more particularly described in the records on file and available for inspection in the office of the City Clerk. | \$25,000 | \$0 | \$25,000 | 5 years |
| B. | Renovations to and rehabilitation of main water plant within the City, together with the acquisition of all materials and equipment and completion of all work necessary therefore, all as more particularly described in the records on file and available for inspection in the office of the City Clerk. | 100,000 | 0 | 100,000 | 40 years |
| C. | Renovations to and rehabilitation of Well #4 within the City, together with the acquisition of all materials and equipment and completion of all work necessary therefore, all as more particularly described in the records on file and available for inspection in the office of the City Clerk. | 200,000 | 0 | 200,000 | 40 years |
| D. | Replacement of sewer and water mains and laterals within the City, together with the acquisition of all materials and equipment and completion of all work necessary therefore, all as more particularly described in the records on file and available for inspection in the office of the City Clerk. | 1,750,000 | 0 | 1,750,000 | 40 years |
| E. | Acquisition of water plant heating system, together with the acquisition of all materials and equipment and completion of all work necessary therefore, or related thereto. | \$75,000 | \$0 | \$75,000 | 15 years |

| | <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----|--|---------------------------------|-------------------------|----------------------------------|---------------------------------|
| F. | Acquisition of fire hydrants and fire hydrant caps, together with the acquisition of all materials and equipment and completion of all work necessary therefore, or related thereto. | 80,000 | 0 | 80,000 | 5 years |
| G. | Acquisition of a four wheel drive utility vehicles, together with the acquisition of all materials and equipment and completion of all work necessary therefore, or related thereto. | 120,000 | 0 | 120,000 | 5 years |
| | Total | \$2,350,000 | \$0 | \$2,350,000 | |

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 35.85 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$2,350,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: March 14, 2013

Date of Publication: March 18, 2013

**Date of Public Hearing &
Adoption:** April 18, 2013

Mayor John Michael Bagnell

Commissioner Frank Sarno

Commissioner Theresa D. Kelly

Janice Callaghan, RMC
City Clerk

CITY OF VENTNOR CITY, NEW JERSEY

ORDINANCE NO. 2013-10

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT AND THE CONSTRUCTION AND COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY; APPROPRIATING THE SUM OF \$5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,750,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Ventnor City, County of Atlantic, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$5,000,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$4,750,000; and
- (c) a down payment in the amount of \$250,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$4,750,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$250,000, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$4,750,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$4,750,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$950,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of available grants for each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

| | <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----|---|-----------------------------|---------------------|------------------------------|-----------------------------|
| A. | Reconstruction and Restoration of Various Gutters, Ramps and Roads in the City, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the records on file and available for inspection in the office of the City Clerk | \$950,000 | \$47,500 | \$902,500 | 10 years |
| B. | Reconstruction and Restoration of a Bulkhead at the Public Works Building, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the records on file and available for inspection in the office of the City Clerk | 250,000 | 12,500 | 237,500 | 15 years |
| C. | Reconstruction and Restoration of Various Storm Drains in the City, together, all as more particularly described in the records on file and available for inspection in the office of the City Clerk | 250,000 | 12,500 | 237,500 | 40 years |
| D. | Acquisition of Various Pieces of Equipment for Public Safety including, but not limited to, Air Packs, Computers, and Login Recorders, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto. | 181,500 | 9,075 | 172,425 | 5 years |
| E. | Acquisition of Various Pieces of Telecommunications Equipment for Public Safety including, but not limited to, a Radio System and 911 System, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto. | 350,000 | 17,500 | 332,500 | 7 years |
| F. | Acquisition of Various Pieces of Equipment for Public Works including, but not limited to, Bleachers, Concrete Saws, Video Security Systems, Paint Stripping Machines and Traffic Light Computers, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | 172,500 | 8,625 | 163,875 | 5 years |
| G. | Acquisition of Various Vehicles for Public Works including Street Sweepers, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | 321,000 | 16,050 | 304,950 | 5 years |
| H. | Acquisition of Various Four Wheel Drive Vehicles for Public Safety including Police and Fire Department SUVs, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto. | 155,000 | 7,750 | 147,250 | 5 years |
| I. | Renovation of Various Municipal Buildings, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | 2,370,000 | 118,500 | 2,251,500 | 20 years |
| | Total | \$5,000,000 | \$250,000 | \$4,750,000 | |

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 14.67 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$4,750,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: March 14, 2013

Date of Publication: March 18, 2013

Date of Public Hearing & Adoption: April 18, 2013

Mayor John Michael Bagnell

Commissioner Frank Sarno

Commissioner Theresa D. Kelly

Janice Callaghan, RMC
City Clerk

ORDINANCE 2013-13
AN ORDINANCE OF THE CITY OF VENTNOR CITY AMENDING
CHAPTER 126 OF THE CITY CODE BY UPDATING AND REVISING
THE FLOOD DAMAGE PREVENTION ORDINANCE AS DIRECTED
BY THE STATE OF NEW JERSEY

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City as follows:

WHEREAS, the Mayor and Board of Commissioners of the City of Ventnor City, New Jersey, finds that the prevention of flooding is an urgent matter; and

WHEREAS, the State of New Jersey, Department of Environmental Protection, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control, by letter of February 4, 2013, has instructed the Mayor and local Floodplain Administrator that in order for the residents of the City of Ventnor City to be eligible for Increased Cost of Compliance (ICC) and other federal hazard mitigation grant funds, it is recommended that your community re-adopt its current Local Flood Damage Prevention Ordinance to meet or exceed the requirements of the amended Flood Hazard Area Control Act Rules; and

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48-1, et. seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry.

THEREFORE, the Mayor and Board of Commissioners of the City of Ventnor City, New Jersey, do ordain as follows:

CHAPTER 126

SECTION I

Section 126 of the Code of the City of Ventnor City shall be stricken and replaced in its entirety to now read as follows: This Chapter shall be known as the "Flood Damage Prevention Ordinance."

SECTION II

126-1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has, in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of the City of Ventnor City, Atlantic County, State of New Jersey, do hereby ordain and enact as follows:

126-2 FINDINGS OF FACT

- A. The flood hazard areas of the City of Ventnor City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

126-3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;

- B. Minimize expenditure of public money for costly flood control projects;

- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- D. Minimize prolonged business interruptions;

- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;

- F. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

126-4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- B. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

126-5 DEFINITIONS

- A. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.
- B. As used in this chapter, the following words shall have the meanings indicated

Advisory Base Flood Elevation {ABFE} -The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area {AFHA} -The land in the floodplain within a community subject to flooding from the one percent (1%) annual chance event depicted on the Advisory Flood Hazard Area Map.

Advisory Flood Hazard Area Map - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Agency -The Federal Emergency Management Agency, Washington, D.C.

Appurtenant Structure/Accessory Structure – A structure that is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure.

Appeal –A request for a review of the Building Subcode Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding –A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard -The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-V30, A, AO, A1-A30, AE, A99, or AH.

Assessed Value – Pertains to the structure in question, not the land, landscaping or detached accessory structures on the property. The assessed value of a structure reflects its original quality, subsequent improvements, physical age of the building components and current condition.

Base Flood-The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the Stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

Basement -Any area of the building having its floor subgrade (below ground level) on all sides.

Best Available Flood Hazard Data – The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

Best Available Flood Hazard Data Elevation – The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map, or Preliminary FIS and FIRM.

Breakaway Wall –A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Building – See structure.

Building Height – For any new construction, substantial improvement, and substantial addition to any building located in an Area of Special Flood Hazard as set forth in §126-7 of this Ordinance, the vertical distance measured from the base flood elevation as shown on the Federal Emergency Management Agency's (FEMA) Base Flood Elevation (BFE) maps, plus two (2) feet of freeboard, to the highest finished surface of the coping for a flat roof, decline for a mansard roof, or gable for a pitched or hip roof structure. If the principle building's first floor is at least two (2) feet over the base flood elevation, the maximum building height shall be measured from the first floor elevation, but not more than four (4) feet greater than the base flood elevation to the highest finished surface of the coping for a flat roof, decline for a mansard roof, or gable for a pitched or hip roof structure. If an existing principle building's first floor is below the base flood elevation, plus two (2) feet of freeboard, and the building is not being raised, or is not located in an Area of Special Flood Hazard as set forth in §126-7 of this Ordinance, the maximum building height shall be the vertical distance measured from Elevation 11.8 (NAVD88) for all principal structures located south of Atlantic Avenue and Elevation 10.8 (NAVD88) for all structures located north of Atlantic

Avenue to the highest finished surface of the coping for a flat roof, decline for a mansard roof, or gable for a pitched or hip roof structure.

Building Height, Accessory Structure – The building height for accessory structures shall be measured from Elevation 9.8 (NAVD88) for accessory buildings south of Atlantic Avenue and Elevation 8.8 (NAVD88) for accessory buildings north of Atlantic Avenue, to the highest finished surface of the coping for a flat roof, decline for a mansard roof, or gable for a pitched or hip roof structure.

Certification – A certification by a registered professional engineer or other party, does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analysis is a statement that the analysis has been performed correctly and in accordance with sound engineering practices to provide protection from the base flood. Certification of "as built" conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

Coastal High Hazard Area – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Community Rating System – The National Flood Insurance Program's (NFIP) Community Rating System (CRS) which is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements.

Critical Facility – A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development – Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building – A non-basement building (I) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even

though the lower area is enclosed by means of breakaway walls.

Enclosure – A non-habitable, unfinished or flood-resistant space below the base flood elevation (BFE) useable solely for parking of vehicles, storage and building access to the first floor. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation. The storage permitted in an enclosure shall be limited to that which is incidental and accessory to the principal use of the structure. Storage should be limited to items such as lawn and garden equipment, beach chairs, and bicycles which either have a low damage potential or that can be easily moved to the elevated portion of the building if there is a flood.

Erosion -The process of the gradual wearing away of land masses.

Existing construction – For the purposes of determining insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975.

Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) -The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) -The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management - The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, requirements for zoning, subdivision or building, and special purpose flood plain management regulations.

Floodplain Management Regulations -Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 feet.

Higher Regulatory Standard - Any floodplain management regulations adopted by the State or Local Community which are more restrictive than the criteria set forth in the NFIP regulations.

Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure - Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Increase Cost of Compliance (ICC) – The coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of New Jersey and City of Ventnor City floodplain management laws or ordinances after a direct physical loss by flood, the City of Ventnor City declares the structure to be "substantially" or "repetitively" flood damaged. ICC coverage is provided for in every standard NFIP flood policy, and will help pay for the cost to flood proof, relocate, elevate, or demolish the structure.

Lateral Addition – Improvements that increase the square footage of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room, enclosed porch, or other type of addition to an existing structure. If the addition is a "Substantial Improvement," then the existing home and addition needs to be elevated to the higher regulatory standard pursuant to the Advisory Base Flood Elevations (ABFE's). If the addition is being constructed in conjunction with improvements to the existing structure and the sum of the renovations are equal to a "Substantial Improvement," then the addition and existing home need to be elevated to the Advisory Base Flood Elevations (ABFE's). If the common wall is demolished as part of the project, then the entire structure must be elevated. If only a doorway is knocked through and only minimal finishing is done, then only the addition has to be elevated.

Lowest Floor - The lowest floor of the lowest enclosed area [including basement]. An unfinished

or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of CFE Section 60.3.

Manufactured Home – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision – A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Map – The Flood Hazard Boundary Map (FHBM) of the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

Mean Sea Level – For the purpose of the report Flood Insurance Study (FIS City of Ventnor City, Atlantic County, New Jersey," dated March 15, 1983) and Flood Insurance Rate Map (FIRM for the City of Ventnor City, Atlantic County, New Jersey, panel 0001 B dated September 15, 1983), the National Geodetic Vertical Datum (NGVD) of 1929, to which base flood elevations shown are referenced in regards to the average height of the sea for all stages of the tide. For the purpose of the Advisory Flood Hazard Maps, the North America Vertical Datum (NAVD) 1988 is the reference to which base flood elevations shown are referenced in regards to the average height of the sea for all stages of the tide.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Participating Community – Also known as an eligible community, means a community in which FEMA has authorized the sale of flood insurance.

Preliminary Flood Insurance Rate Map (FIRM) – The draft version of the FIRM released for public comment before finalization and adoption.

Preliminary Regulatory Map – The official map that will supersede the Advisory Flood Hazard Map and shall be the basis of delineation of the areas of flood hazards applicable to the City of Ventnor City.

Primary Frontal Dune – A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the

relatively steep slope to a relatively mild slope.

Recreational Vehicle – A vehicle which is [i] built on a single chassis; [ii] four hundred (400) square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive Loss - 1) Four or more paid flood losses of more than \$1,000.00 each; or 2) Two (2) paid flood losses within a ten (10) year period that, in the aggregate, equal or exceed the current value of the insured property; or 3) Three (3) or more paid losses that, in the aggregate, equal or exceed the current value of the insured property.

Sand Dunes — Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

Severe Repetitive Loss - Any residential property that is covered under an NFIP flood insurance policy and:

- (a) That has at least four (4) NFIP claim payments (building payments and contents) over \$5,000 each, and the cumulative amount of such claims payments exceeds \$20,000; or
- (b) For which at least two (2) separate payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeding the assessed value of the building.

For both (a) and (b) above, at least two of the referenced claims have occurred within any ten (10) year period, and must be greater than ten (10) days apart.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of

restoring the structure to its condition before damage would equal or exceed fifty percent (50%) of the assessed value of the structure before the damage occurred. "Substantial Damage" also means flood-related damages sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds fifty percent (50%) of the assessed value of the structure before the damages occurred.

Substantial Improvement -Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the assessed value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- [1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- [2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance –A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation – The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certification, other certifications, or other evidence of compliance required in 44 CFW §60.3(b)(5), (c)(4), (c)(10), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

GENERAL PROVISIONS

126-6 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Ventnor City, Atlantic County, State of New Jersey.

126-7 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the City of Ventnor City, Community No. (345326), are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- A. A scientific and engineering report "Flood Insurance Study, Atlantic County, New Jersey, City of Ventnor City" dated March 15, 1983.
- B. Flood Insurance Rate Map for Atlantic County, New Jersey, City of Ventnor City, as shown on Index and panel(s) 345326 0001 B whose effective date is September 15, 1983.
- C. Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation (BFE) conflict or overlap with the

Best Available Flood Hazard Data (BAFHD), whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 6201 Atlantic Avenue, Ventnor, New Jersey.

126-8 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than thirty (30) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Ventnor City, from taking such other lawful action as is necessary to prevent or remedy any violation.

126-9 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

126-10 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

126-11 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the City of Ventnor City, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ADMINISTRATION

126-12 ESTABLISHMENT OF DEVELOPMENT PERMIT

- A. All elevations must be measured in feet relative to the North American Vertical Datum of 1988 (NAVO 1988). All elevations in National Geodetic Vertical Datum (NGVD 1929) must be converted to NAVO 1988 elevations.
- B. The use of the National Geodetic Vertical Datum of 1929 shall not be applicable.
- C. A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in SECTION 126-7. Application for a Development Permit shall be made on forms furnished by the Building Subcode Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

1. Application Stage:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed.
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 126-17(B); and,
- D. Existing and proposed infrastructure.
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- F. Building plans for any walls to be used to enclose space below the base flood elevation.

2. Construction Stage:

Upon the placement of the top of block, the lowest floor or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the Building Subcode Official a certification of the elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer who is authorized to certify such information in the State of New Jersey, and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

- 3. The Building Subcode Official shall review the lowest floor elevation and floodproofing Certificate. Should these documents be found not in conformance with the requirements of this ordinance, the permit holder shall immediately cease

further work, and shall correct any deficiencies. Failure of the permit holder to submit the surveyed lowest floor elevation and floodproofing certificate, and failure to correct said deficiencies required hereby, shall be the cause to issue a stop-work order for the project.

126-13 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Governing Body of the City of Ventnor City hereby appoints the Building Subcode Official to administer and implement the provisions of this ordinance, by granting or denying development permit applications in accordance with its provisions.

126-14 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Building Subcode Official shall include, but not be limited to:

A. PERMIT REVIEW

[1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

[2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

[3] Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of SECTION 126-18 are met.

[4] Review all development permits in the coastal high-hazard area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.

[5] Review plans for walls to be used to enclose space below the base flood level in accordance with SECTION 126-17(B).

B. USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with SECTION 126-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Building Subcode Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer SECTIONS 126-17(A), SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 126-17(8), SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

C. INFORMATION TO BE OBTAINED AND MAINTAINED

[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

[I] verify and record the actual elevation (in relation to mean sea

level); and

[ii] maintain the floodproofing certifications required in SECTION 126-12(c);

[3] In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 126-19(B)(2) and 126-19(B)(2)(1) and (ii) are met.

[4] Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. ALTERATION OF WATERCOURSES

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

E. INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 126-15

F. CRITICAL FACILITIES

Construction of new Critical Facilities shall have the lowest floor elevated at two (2) feet above the base flood elevation. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevations shall be provided to all critical facilities to the maximum extent possible.

126-15 VARIANCE PROCEDURE

A. APPEAL BOARD

[1] The Planning/Zoning Board as established by Ventnor City shall hear and decide appeals and requests for variances from the requirements of this ordinance. The Building Subcode Official shall review each appeal and assign it to the appropriate Board based upon the powers and duties of the Planning and Zoning boards pursuant to §102-156 of the Ventnor City Code.

[2] The Planning/Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Subcode Official in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning/Zoning Board, or any taxpayer, may appeal such decision to the appropriate court.

[4] In passing upon such applications, the Planning/Zoning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- (iv) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of SECTION 126-15 and the purposes of this ordinance, the Planning/Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Building Subcode Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in SECTION 126-15(A)(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances shall only be issued upon:

- (a) A showing of good and sufficient cause.
- (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and.
- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary

public expense, create nuisances, cause fraud on or victimization of the public as defined in SECTION 126-15(A)(4), or conflict with existing local laws or ordinance.

[3] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[4] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[5] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

A. VARIANCE NOTIFICATION

Any applicant to whom a variance is granted shall be notified in writing by the Building Subcode Official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.
- (2) Such construction below the base flood level increase risk to life and property.

PROVISIONS FOR FLOOD HAZARD REDUCTION

126-16 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

A. ANCHORING

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

8. CONSTRUCTION MATERIALS AND METHODS

[1] All new construction and substantial improvements shall be constructed

with materials and utility equipment resistant to flood damage.

[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. UTILITIES

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. SUBDIVISION PROPOSALS

[1] All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

E. ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with

screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

126-17 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 126-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 126-14(2), USE OF OTHER BASE FLOOD DATA, the following standards are required:

A. RESIDENTIAL CONSTRUCTION

[1] New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, whichever is more restrictive,, plus two (2) feet.

[2] Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade two (2) feet above the depth number specified in feet (at least three (3) feet if no depth number is specified) or at or above the best available flood hazard data elevation plus two (2) feet, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

8. NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall either have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

[1] Elevated to or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, whichever is more restrictive, plus two(2) feet; and

[2] Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade two(2) feet above the depth number specified in feet (at least three (3) feet if no depth number is specified) or at or above the best available flood hazard data elevation plus two (2) feet, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

(3) Be flood proofed so that below the base flood level plus two(2) feet, or the best available flood hazard data elevation plus two (2) feet (whichever is more restrictive), the structure is watertight with walls substantially impermeable to the passage of water;

[4] Have structural components capable of resisting hydrostatic

and hydrodynamic loads and effects of buoyancy; and,

[5] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 126-14(2)(ii).

C. MANUFACTURED HOMES

[1] Manufactured homes shall be anchored in accordance with SECTION 126-16(A)(2).

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, plus two (2) feet (whichever is more restrictive).

126-18. FLOODWAYS

Located within areas of special flood hazard established in section 126-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosial potential, the following provisions apply:

[A] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

[B] If section 126-18[A] is satisfied, all new construction and substantial improvements must comply with PROVISIONS FOR FLOOD HAZARD REDUCTION.

[C] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

126-19 COASTAL HIGH HAZARD AREA

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in SECTION 126-7. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

A. LOCATION OF STRUCTURES

[1] All buildings or structures shall be located landward of the reach of the mean high tide.

[2] The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

B. CONSTRUCTION METHODS

[1] ELEVATION

All new construction and substantial improvements shall be elevated on piling or columns so that:

- (i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation, (published FIS/FIRM), the best available flood hazard data elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive,
- and
- (ii) with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in SECTION 126-19(8)(4).

[2] STRUCTURAL SUPPORT

- (i) All new construction and substantial improvements shall be securely anchored on piling or columns.
- (ii) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (iii) There shall be no fill used for structural support.

[3] CERTIFICATION

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of SECTION 126-19(A) and 126-19(B)(2)(i) and (ii).

[4] SPACE BELOW THE LOWEST FLOOR

(i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

(ii) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

- (a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(b) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(iii) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(iv) Prior to construction, plans for any breakaway wall must be submitted to the Building Sub-Code Official for approval.

C. SAND DUNES

Prohibit man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage.

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, phrase or other portion of this Ordinance be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION V

This Ordinance shall take effect on final passage, approval, and publication, and shall remain in force until modified, amended or rescinded by the City of Ventnor City, New Jersey

Date of Introduction: May 16, 2013
Date of Reintroduction: June 20, 2013
Date of Reintroduction: August 15, 2013
Publication: August 19, 2013
Public Hearing &
Adoption: September 19, 2013

ORDINANCE NO. 2013-14

**AN ORDINANCE AMENDING CHAPTER 81, (BOATING)
OF THE CODE OF THE CITY OF VENTNOR**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City as follows:

SECTION I. Section 81-7 F. shall be amended to read as follows:

F. Each owner shall submit to the Clerk, together with the application, a paid-up insurance policy covering liability for injury to any person, persons and property in the minimum amount of \$50,000 per occurrence, \$100,000 aggregate.

SECTION II. Section 81-10 shall be renumbered 81-11.

SECTION III. The new Section 81-10 shall read as follows:

§ 8.10. Removal of Boats.

In addition to the requirement that all boats and all associated equipment and storage lockers must be removed pursuant to §81-9(a), permit holders shall be required to remove their sailboats and all associated equipment and storage lockers off the beach and to a safe storage location in the event the National Weather Service declares a watch or warning for any of the following weather events: tropical depression, tropical storm, hurricane, nor'easter, or any other serious weather events during which there is a watch or warning for tidal flood and/or sustained winds of 35 miles per hour or more.

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

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

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

FIRST READING May 16, 2013

PUBLICATION May 20, 2013

PUBLIC HEARING June 20, 2013
& ADOPTION

Mayor John Michael Bagnell

Commissioner Frank Sarno

Commissioner Theresa D. Kelly

Janice Callaghan, RMC
City Clerk

ORDINANCE NO. 2013-15

**AN ORDINANCE AMENDING CHAPTER 44, (RESIDENCY POLICY)
OF THE CODE OF THE CITY OF VENTNOR**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City as follows:

SECTION I. Section 44-1 of the Code of the City of Ventnor shall remain except that any reference to the “Department of Personnel” shall be changed to read “Civil Service Commission”.

SECTION II. Section 44-2 shall be renumbered Section 44-3.

SECTION III. The new Section 44-2 shall read:

§44-2. Unavailability of qualified residents for available specific positions or employments; appointment of other qualified applicants; preference schedule; conditions of employment; notice to and classification by civil service commission

Whenever the City of Ventnor Board of Commissioners or the appointing authority determines that there cannot be recruited a sufficient number of qualified residents for available specific positions or employments, the City of Ventnor shall advertise for other qualified applicants. The City of Ventnor, or the hiring authority thereof, shall thereupon classify all qualified applicants for such positions or employments so determined in the following manner:

- (1) Other residents of Atlantic County;
- (2) Other residents of counties contiguous to Atlantic County;
- (3) Other residents of the State of New Jersey;
- (4) All other applicants.

The hiring authority shall first appoint all those in class 1 and those in each succeeding class in the order above listed and shall appoint a person or persons in any such class only to a position or positions, or employment or employments, remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment. The preference established by this section shall in no way diminish, reduce or affect the preference granted pursuant to any other provisions of law. The City of Ventnor may require that any individual recruited and hired pursuant to this subsection be required to become bona fide residents of the City of Ventnor. The civil Service Commission shall, upon any subsequent notice of the determination of the City of Ventnor Board of Commissioners or the hiring authority of the City of Ventnor wherein Title 11 (Civil Service) of the Revised Statutes is operative that such preference schedule shall be applicable for any specific position or employment, classify all applications for such position or employment accordingly.

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

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

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

FIRST READING May 16, 2013

PUBLICATION May 20, 2013

PUBLIC HEARING June 20, 2013
& ADOPTION

ORDINANCE NO. 2013-16

AN ORDINANCE AMENDING SECTION 214-32 (TIME LIMIT PARKING), 214-34 (ANGLE PARKING) & CHAPTER 241, ARTICLE XII (METER REGULATIONS) OF THE CODE OF THE CITY OF VENTNOR

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City as follows:

SECTION I. Chapter 214-32, Time Limit Parking shall be amended as described in Appendix A.

SECTION II. Chapter 214-34, Angle Parking shall be amended as described in Appendix B.

SECTION III. Chapter 214, Article XII, Meter Regulations shall be amended as described in Appendix C.

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

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

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

FIRST READING May 16, 2013

PUBLICATION May 20, 2013

PUBLIC HEARING June 20, 2013
& ADOPTION

Mayor John Michael Bagnell

Commissioner Frank Sarno

Commissioner Theresa D. Kelly

Janice Callaghan, RMC
City Clerk

APPENDIX A

§214-32. Schedule IV: Time Limit Parking.

[Amended 6-4-1979 by Ord. No. 7904; 9-20-1983 by Ord. No. 8332; 12-17-1992 by Ord. No. 9218; 8-25-1994 by Ord. No. 9415; 6-22-1995 by Ord. No. 9508; 5-8-1997 by Ord. No. 9710; (date) by Ord. No.]

In accordance with the provisions of § 214-9, no person shall park a vehicle for longer than the time limit shown upon any of the following streets or parts of streets:

| Name of Street | Side | Hours | Maximum Time (minutes) | Location |
|--|-------------|---|-------------------------------|--|
| Atlantic Avenue | North | 8:00 a.m. to 12:00 midnight, Monday through Friday | 15 | From a point 123 feet west of Cambridge Avenue to a point 22 feet west thereof |
| Atlantic Avenue [Added 11-18-2004 by Ord. No. 2004-12] | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Atlantic Avenue between Surrey Avenue and Weymouth Avenue |
| Atlantic Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Atlantic Avenue between Surrey Avenue and Weymouth Avenue |
| Atlantic Avenue | North | 8:00 a.m. to 12:00 midnight | 15 | From a point 28 feet west of Richards Avenue to a point 22 feet east thereof |
| Atlantic Avenue | North | 8:00 a.m. to 12:00 midnight, Monday through Friday | 15 | From a point 109 feet east of Sacramento Avenue to a point 39 feet east thereof |
| Atlantic Avenue [Repealed 11-18-2004 by Ord. No. 2004-12] | | | | |
| Atlantic Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Atlantic Avenue between Surrey Avenue and Weymouth Avenue |
| Atlantic Avenue [Added 6-1-2006 by Ord. No. 2006-6] | South | 9:00 a.m. to 8:00 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m., Saturday and Sunday | 120 | Between New Haven Avenue and Newport Avenue |
| Atlantic Avenue | South | 7:00 a.m. to 9:30 p.m. | 120 | From the south side of Atlantic Avenue between Surrey and Weymouth Avenue |
| Dorset Avenue | East | 8:00 a.m. to 12:00 midnight | 15 | From a point 60 feet north of Edgewater Avenue to a point 22 feet south thereof |
| Dorset Avenue [Added 8-24-2000 by Ord. No. 2008] | East | 9:00 a.m. to 10:00 p.m. | 15 | From a point 25 feet south of Monmouth Avenue to a point 44 feet south thereof |
| Dorset | East | 8:00 a.m. to | 15 | From a point 146 feet south |

| | | | | |
|---|-------|--|-----|--|
| Avenue | | 12:00 midnight | | of Monmouth Avenue to a point 22 feet north thereof |
| Dorset Avenue | West | 8:00 a.m. to 12:00 midnight | 15 | From a point 129 feet north of Derby Avenue to a point 22 feet south thereof |
| Dudley Avenue | East | 8:00 a.m. to 12:00 midnight | 15 | From a point 74 feet north of the beach end of Dudley Avenue to a point 130 feet north thereof |
| Lafayette Avenue [Added 12-15-2011 by Ord. No. 2011-15] | West | 8:00 a.m. to 4:00 p.m., Monday through Friday | 120 | From a point 25 feet north of the intersection of Lafayette Avenue and Balfour Avenue to a point 25 feet south of the intersection of Lafayette Avenue and Essex Court |
| Library Parking Lot [Added 6-1-2006 by Ord. No. 2006-6] | South | 9:00 a.m. to 8:00 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m., Saturday and Sunday | 60 | Rear of Library off New Haven Avenue |
| Little Rock Avenue [Added 8-26-1999 by Ord. No. 9917] | East | All | 15 | From a point 142 feet south of Atlantic Avenue to a point 22 feet south thereof |
| Martindale Avenue | West | 8:00 a.m. to 12:00 midnight | 30 | From a point 35 feet south of Ventnor Avenue to a point 97 feet south thereof |
| New Haven Avenue [Added 6-1-2006 by Ord. No. 2006-6] | East | 9:00 a.m. to 8:00 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m., Saturday and Sunday | 120 | Between Atlantic Avenue and the Beach |
| Newport Avenue | East | Saturday and Sunday only | 15 | From a point 206 feet south of Ventnor Avenue to a point 22 feet south thereof |
| Oxford Avenue [Added 5-11-2000 by Ord. No. 2003] | West | All | 15 | From a point 6 feet from the southerly street end of Oxford Avenue to a point 20 feet north thereof |
| Portland Avenue | East | 8:00 a.m. to 12:00 midnight, except Sunday | 15 | From a point 35 feet north of Ventnor Avenue to a point 133 feet north thereof |
| Richards Avenue | West | 8:00 a.m. to 12:00 midnight | 30 | From a point 35 feet north of Atlantic Avenue to a point 83 feet north thereof |
| Ventnor Avenue [Added 11-18-2004 by Ord. No. 2004-12] | North | All | 15 | From a point 90 feet west of the west curbline of Austin Avenue to a point 25 feet west thereof |

| | | | | |
|---|-------|--|-----|---|
| Ventnor Avenue [Added 4-23-1998 by Ord. No. 9807] | North | 9:00 a.m. to 6:00 p.m. | 15 | From a point 25 feet west of Baton Rouge Avenue to a point 22 feet west thereof |
| Ventnor Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Ventnor Avenue between Little Rock Avenue and Nashville Avenue |
| Ventnor Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Ventnor Avenue between Little Rock Avenue and Nashville Avenue |
| Ventnor Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Ventnor Avenue between Little Rock Avenue and Nashville Avenue |
| Ventnor Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Ventnor Avenue between Little Rock Avenue and Nashville Avenue |
| Ventnor Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Ventnor Avenue between Fredericksburg Avenue and Washington Avenue |
| Ventnor Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Ventnor Avenue between Little Rock Avenue and Nashville Avenue |
| Ventnor Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Ventnor Avenue between Richards Avenue and Portland Avenue |
| Ventnor Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Ventnor Avenue between Richards Avenue and Portland Avenue |
| Ventnor Avenue | North | 7:00 a.m. to 5:30 p.m. | 30 | From the north side of Ventnor Avenue between Richards Avenue and Portland Avenue |
| Ventnor Avenue | North | 8:00 a.m. to 12:00 midnight, except Sunday | 15 | From a point 68 feet east of Portland Avenue to a point 156 feet east thereof |
| Ventnor Avenue | South | 8:00 a.m. to 12:00 midnight | 15 | From a point 67 feet east of Avolyn Avenue to a point 44 feet west thereof |
| Ventnor Avenue | South | 7:00 a.m. to 5:30 p.m. | 30 | From the south side of Ventnor Avenue between Victoria Avenue and Nashville Avenue |
| Ventnor Avenue | South | 7:00 a.m. to 9:30 p.m. | 120 | From the south side of Ventnor Avenue between Fredericksburg Avenue and Washington Avenue |
| Ventnor Avenue | South | 7:00 a.m. to 9:30 p.m. | 120 | From the south side of Ventnor Avenue between Avolyn Avenue and Portland Avenue |

| | | | | |
|---|-------|--|-----|--|
| Ventnor Avenue | South | 7:00 a.m. to 9:30 p.m | 120 | From the south side of Ventnor Avenue between Avolyn Avenue and Portland Avenue |
| Ventnor Avenue [Added 6-16-2011 by Ord. No. 2011-07] | South | 8:00 a.m. to 12:00 midnight | 15 | From a point 25 feet west of Newport Avenue to a point 28 feet west thereof |
| Ventnor Avenue | South | 8:00 a.m. to 12:00 midnight | 60 | From a point 35 feet west of Richards Avenue to a point 107 feet west thereof |
| Ventnor Avenue | South | 7:00 a.m. to 5:30 p.m. | 30 | From the south side of Ventnor Avenue between Victoria Avenue and Nashville Avenue |
| Ventnor Avenue | South | 7:00 a.m. to 5:30 p.m. | 30 | From the south side of Ventnor Avenue between Victoria Avenue and Nashville Avenue |
| Victoria Avenue [Amended 6-4-1979 by Ord. No. 7904; repealed 8-3-1989 by Ord. No. 8918] | | | | |
| Winchester Avenue | South | 8:00 a.m. to 12:00 midnight, except Sunday | 30 | From a point 102 feet east of New Haven Avenue to a point 50 feet east thereof |
| Wyoming Avenue [Added 2-17-2011 by Ord. No. 2011-02] | East | 8:00 a.m. to 12:00 midnight | 15 | From a point 25 feet north of Ventnor Avenue to a point 22 feet north thereof |

APPENDIX B

§ 214-34. Schedule VI: Angle Parking

In accordance with the provisions of § [214-11](#), angle parking shall be permitted, at the angle designated, on the following named streets or parts of streets:

| Name of Street | Side | Angle (degrees) | Location |
|--|-----------------------------|------------------------|--|
| Marston Avenue | North | 45 | From a point 35 feet each side of Cambridge Avenue and extending east to a point 35 feet west of Cornwall Avenue |
| New Haven Avenue [Repealed 5-23-1996 by Ord. No. 9605] | | | |
| New Haven Avenue | West | 45 | From a point 50 feet north of Ventnor Avenue to a point 168 feet north thereof |
| Newport Avenue | Both sides of medial island | 45 | From a point 27 feet south of Atlantic Avenue to a point 262 feet south thereof |
| Somerset Avenue | East | 45 | From a point 50 feet south of Atlantic Avenue to 229 feet south of Atlantic Avenue |
| Suffolk Avenue | Both sides of medial island | 45 | From a point 27 feet south of Atlantic Avenue to a point 323 feet south thereof |
| Troy Avenue | East | 45 | From a point 35 feet north of Ventnor Avenue north to a point 50 feet south of Winchester Avenue |
| Troy Avenue | West | 45 | From a point 25 feet north of Ventnor Avenue to a point 50 feet south of Winchester Avenue |
| New Haven | East | 45 | From a point 35 feet south of Atlantic Avenue to a point 146 feet south of Atlantic Avenue |

APPENDIX C

Article XII

Meter Regulations

§ 214-50 Definitions.

The following words and phrases, which are not defined in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey,

Editor's Note: See N.J.S.A. 39:1-1 et seq.

shall have the meanings respectively ascribed to them in this section for the purposes of Part 2 of this chapter:

PARKING METER

Any mechanical device, meter, or common payment station not inconsistent with Part 2 of this chapter placed or erected for the regulation of parking by authority of Part 2 of this chapter. Each "parking meter" or "common payment station" installed shall indicate, by proper legend, the legal parking time and, when operated, shall at all times indicate the balance of legal parking time and, at the expiration of such period, shall indicate illegal or overtime parking.

PARKING METER SPACE

Any space within a parking meter zone, adjacent to a parking meter, which space is duly designated for the parking of a single vehicle by lines painted or otherwise duly marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

COMMON PAYMENT STATION SPACE

Any space within a common payment station zone, which space is duly designated and demarcated by a number, for the parking of a single vehicle by lines painted or otherwise duly marked on the curb or on the surface of the street, which numbered demarcation shall be consistent with the spaces numbered in the common payment station.

PARKING METER/COMMON PAYMENT STATION ZONE

Any restricted street upon which parking meters are installed and in operation.

§ 214-51. Designation of Parking Spaces.

The Chief of Police is hereby directed and authorized to provide for the marking off of individual parking spaces in the parking zones designated and described in Schedule XXII, attached to and made a part of Part 2 of this chapter, said parking spaces to be designated by lines painted or marked on the curbing or surface of the street, and to be properly numbered if the space is associated with a common payment station. At each space so marked off, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

§ 214-52. Installation of parking meters or common payment stations.

In said parking meter zones, the Chief of Police shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces provided in said Schedule XXII. No parking meters shall be installed in areas where parking is prohibited pursuant to the provisions of N.J.S.A. 39:4-138. In said common payment station zones, the Chief of Police shall cause common payment stations to be installed upon the curb or sidewalk within the vicinity of all demarcated parking spaces provided in said Schedule XXII. No common payment stations shall be installed in areas where parking is prohibited pursuant to the provisions of N.J.S.A. 39:4-138. The Chief of Police shall be responsible for the regulation, control, operation, maintenance and use of such parking meters or common payment stations. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin, lawful money of the United States of America, for the period of time prescribed by said Schedule XXII. Each device shall be so arranged that, upon the expiration of the lawful time limit, it will indicate by a proper, visible signal that the lawful parking period has expired; and in such case, the right of such vehicle to occupy such space shall cease, and the operator, owner, possessor or manager thereof shall be subject to the penalties hereinafter provided.

§ 214-53. Operation of Parking meters or Common Payment Stations

Except in a period of emergency determined by an officer of the Fire or Police Department or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, or in a space demarcated by number corresponding to a space in a common payment station, the operator of such vehicle shall, upon entering the said parking meter space or common payment station space, immediately deposit or cause to be deposited in said meter or common payment station such proper coin, bill, or electronic payment of the United States of America as is required for such parking meter or common payment station and as is designated by proper directions on the meter or common payment station; and when required by the directions on the meter or

common payment station, the operator of such vehicle, after the deposit of the proper coin, bills, or electronic payment, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon; and failure to deposit such proper coin, bill or electronic payment, and to set the timing mechanism in operation when so required shall constitute a violation of Part 2 of this chapter. Upon the deposit of such coin, bill or electronic payment, and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of said space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space and if the meter shall indicate such illegal parking, then and in that event such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of Part 2 of this chapter.

§ 214-54. Manner of parking.

When a parking meter space is parallel with the adjacent curb or sidewalk, no person shall park or permit the parking of any vehicle in such parking space in any other position than with the foremost part of such vehicle nearest to the parking meter; when a parking meter space is diagonal to the curb or sidewalk, no person shall park or permit the parking of any vehicle in such parking space in any other position than with the foremost part of such vehicle nearest to the parking meter; when a parking meter shall have been installed at the head of and immediately adjacent to any parking space on a municipal off-street parking lot, no person shall park or permit the parking of any vehicle in such parking space in any other position than with the foremost part of such vehicle nearest to the parking meter. In any event a vehicle shall be parked within the lines marked on the pavement measuring such parking space. When parking in a common payment station parking space, the operator shall park or permit the parking of the vehicle in such space in the position delineated by the painted lines on the asphalt, curb, or sidewalk.

§ 214-55. Violations.

It shall be unlawful and a violation of the provisions of Part 2 of this chapter for any person:

- A. To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone or common payment station zone, as herein described, or to deposit in any parking meter or common payment station any coin, bill or electronic payment, for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone or common payment station zone.
- B. To permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- C. To park any vehicle across any line or marking of a parking meter space or common payment station space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- D. To deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or common payment station installed under the provisions of Part 2 of this chapter.
- E. To deposit or cause to be deposited in any parking meter or common payment station any slug, device or metal substance or other substitute for lawful coins.
- F. To park or permit the parking of any vehicle in any parking meter space or common payment station space where the meter or station does not register lawful parking.

§ 214-56. Impoundment of vehicles.

Any vehicle left parked for a period exceeding 12 hours succeeding expiration of the period permitted by the fee deposited in the parking meter or common payment station controlling the space in which the vehicle is parked shall be towed, under the direction of the Police Department, to the place designated by the Chief of Police for impoundment, subject to redemption by the owner upon payment of the reasonable cost of towing and a storage charge of \$2 for vehicles weighing less than three tons and \$3 for vehicles weighing in excess of three tons, for each day or portion thereof during which said vehicle remains in said garage or storage area.

§ 214-57. Disposition of meter or common payment station deposits

The coins required to be deposited in parking meters, and the coins and bills required to be deposited in common payment stations, as provided herein, are hereby levied and assessed as fees to provide for the

proper regulation and control of traffic upon the public streets and also the cost of supervising and regulating the parking of vehicles in the parking meter zones created hereby and to cover the cost of the purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of the parking meters and common payment stations described herein.

§ 214-58. Collection of monies from meter and common payment station

It shall be the duty of the Chief of Police to designate the proper person or persons to make regular collections of the moneys deposited in said meters and payment stations, and it shall be the duty of said person or persons so designated to remove from the parking meters and common payment stations the locked containers therein containing the monies so deposited in said meters and stations, and to deliver such locked containers to a designated bank for deposit in the usual manner provided by law.

§ 214-59. Parking meter zones and time limits.

Parking or standing a vehicle in a parking meter space or in a common payment station space in the parking meter or common payment station zones described in Schedule XXII, attached to and made a part of Part 2 of this chapter, shall be lawful only when not in excess of the maximum parking time indicated during the hours of operation specified, on all days as specified therein, and only upon the deposit of such amount as is indicated for each specified period of time.

§ 214-60. Violations and penalties.

[Added 6-4-1979 by Ord. No. 7904; amended 2-2-1989 by Ord. No. 8903]

Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of Part 2 of this chapter or any supplement thereto shall be liable to a penalty of not more than \$50 or imprisonment for a term not exceeding 15 days, or both. In addition to or as a substitute for the previously mentioned fine, the imposition of community service shall be authorized as an additional penalty, which community service shall not exceed 90 days.

ARTICLE XII

Meter Schedules

§ 214-61. Schedule XXI: Parking Meter Zones

In accordance with the provisions of Article XII, parking meters or common payment stations shall be installed on the following streets to operate between 9:00 a.m. and 6:00 p.m. for the time limits as shown in this schedule. Persons parking at these meters or stations are to deposit the proper coins, bills, or electronic payment necessary for the time parked. Parking meters and common payment stations will not be installed in areas where parking is prohibited under the provisions of N.J.S.A. 39:4-138.

| Year-Round Operation (two-hour time limit) | | |
|--|-------|--|
| Name of Street | Side | Location |
| Atlantic Avenue | Both | From a point 35 feet from intersection of Surrey Avenue to a point 35 feet from intersection of Victoria Avenue |
| Atlantic Avenue | Both | From a point 35 feet from intersection of Victoria Avenue to a point 35 feet from intersection of Little Rock Avenue |
| Atlantic Avenue [Added 7-5-1983 by Ord. No. 8326] | Both | From a point 35 feet from intersection of Weymouth Avenue to a point 35 feet from the intersection of Frankfort Avenue |
| Atlantic Avenue [Amended 11-3-1980 by Ord. No. 8024] | North | From a point 35 feet from intersection of Little Rock Avenue to a point 35 feet from intersection of |

| | | |
|---|-------|---|
| | | Weymouth Avenue |
| Atlantic Avenue | North | From a point 35 feet from intersection of Richards Avenue to a point 35 feet from intersection of Buffalo Avenue |
| Atlantic Avenue [Added 8-15-1985 by Ord. No. 8515] | South | From a point 35 feet east of intersection with Somerset to a point 35 feet west of intersection with Suffolk Avenue |
| Atlantic Avenue [Added 8-15-1985 by Ord. No. 8515] | South | From a point 35 feet east of intersection with Suffolk Avenue to a point 35 feet west of intersection with Surrey Avenue |
| Baton Rouge Avenue [Repealed 5-20-2010 by Ord. No. 2010-08] | | |
| Dorset Avenue [Added 12-21-1989 by Ord. No. 8926] | East | From a point 72 feet south of Balfour Avenue to a point 57 feet north of Calvert Avenue |
| Dorset Avenue [Added 12-21-1989 by Ord. No. 8926] | East | From a point 122 feet south of Monmouth Avenue to a point 25 feet north of Edgewater Avenue |
| Dorset Avenue [Added 12-21-1989 by Ord. No. 8926] | West | From a point 25 feet south of Monmouth Avenue to a point 60 feet north of Derby Avenue |
| Little Rock Avenue | East | From a point 50 feet from stop sign to a point 46 feet south of Ventnor Avenue |
| Nashville Avenue | Both | From a point 35 feet from intersection of Ventnor Avenue to a point 50 feet north thereof |
| New Haven Avenue | East | From a point 35 feet north of Ventnor Avenue to a point 146 feet north of Ventnor Avenue |
| New Haven Avenue | West | From a point 50 feet from intersection of Ventnor Avenue to a point 168 feet north thereof |
| Newport Avenue [Added 10-15-1987 by Ord. No. 8719] | Both | From a point 27 feet from intersection of Atlantic Avenue on the easterly side of the medial island to a point 262 feet south thereof; and a point 51 feet from the intersection of Atlantic Avenue on the westerly side of the medial island to a point 262 feet south thereof |
| Newport Avenue | East | From a point 100 feet from intersection of Ventnor Avenue south to a point 35 feet from intersection of Atlantic Avenue |
| Newport Avenue | East | From a point 75 feet from intersection of Ventnor Avenue to a point 25 feet north thereof |
| Newport Avenue | West | Block 63, Lots 14, 15 and 16 |
| Newport Avenue | West | From a point 35 feet from intersection of Ventnor Avenue south to a point 35 feet from intersection of Atlantic Avenue |
| Newport Avenue | West | From a point 35 feet from intersection of Ventnor Avenue to a |

| | | |
|--|------|--|
| | | point 75 feet north thereof |
| Portland Avenue | West | From a point 50 feet from intersection of Ventnor Avenue to a point 44 feet south thereof |
| Troy Avenue [Repealed 11-3-1980 by Ord. No. 8024] | | |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn Avenue to New Haven Avenue, no meters shall be located on the south side.</i> [Added 8-3-1989 by Ord. No. 8918] | Both | From a point 35 feet from the intersection of Frankfort Avenue to a point 35 feet from the intersection of Weymouth Avenue |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn Avenue to New Haven Avenue, no meters shall be located on the south side.</i> | Both | From a point 35 feet from intersection of Martindale Avenue to a point 35 feet from intersection of Fredericksburg Avenue |
| Ventnor Avenue [Added 6-22-1995 by Ord. No. 9508] | Both | From a point 25 feet west of Nashville Avenue to a point 47 feet from the intersection of Hillside Avenue |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn Avenue to New Haven Avenue, no meters shall be located on the south side.</i> | Both | From a point 35 feet from intersection of Nashville Avenue to a point 35 feet from intersection of Hillside Avenue |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn Avenue to New Haven Avenue, no meters shall be located on the south side.</i> | Both | From a point 35 feet from intersection of New Haven Avenue to a point 35 feet from intersection of Troy Avenue |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn Avenue to New Haven Avenue, no meters shall be located on the south side.</i> | Both | From a point 35 feet from intersection of Newport Avenue to a point 35 feet from intersection of New Haven Avenue |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn Avenue to New Haven Avenue, no meters shall be located on the south side.</i> | Both | From a point 35 feet from intersection of Oakland Avenue to a point 35 feet from intersection of Nashville Avenue |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn Avenue to New Haven Avenue, no meters shall be located on the south side.</i> | Both | From a point 35 feet from intersection of Portland Avenue to a point 35 feet from intersection of Newport Avenue |

| | | |
|---|-------------|---|
| Ventnor Avenue [Added 6-22-1995 by Ord. No. 9508] | Both | From a point 25 feet east of Weymouth Avenue to a point 25 feet west of Hillside Avenue |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn Avenue to New Haven Avenue, no meters shall be located on the south side.</i> | Both | From a point 35 feet from intersection of Weymouth Avenue to a point 35 feet from intersection of Little Rock Avenue |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn Avenue to New Haven Avenue, no meters shall be located on the south side.</i> | North | From a point 35 feet from intersection of Austin Avenue to a point 35 feet from intersection of Oakland Avenue |
| Ventnor Avenue [Repealed 6-22-1995 by Ord. No. 9508] | | |
| Ventnor Avenue [Repealed 6-22-1995 by Ord. No. 9508] | | |
| Ventnor Avenue [Added 9-17-1992 by Ord. No. 9208; repealed 5-20-2010 by Ord. No. 2010-08] | | |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn to New Haven no meters shall be located on the south side.</i> | North | From a point 35 feet from intersection of Washington Avenue to a point 35 feet from intersection of Martindale Avenue |
| Ventnor Avenue <i>Editor's Note: Ord. No. 8024, adopted 11-3-1980, provided that meters shall remain on Ventnor Avenue, with the exception that on Ventnor Avenue from Avolyn to New Haven no meters shall be located on the south side.</i> | South | From a point 35 feet from intersection of Little Rock Avenue to a point 35 feet from intersection of Victoria Avenue |
| Weymouth Avenue | East | From a point 35 feet from intersection of Ventnor Avenue to a point 22 feet north thereof |
| Weymouth Avenue | East | From a point 35 feet from intersection of Ventnor Avenue to a point 22 feet south thereof |
| Weymouth Avenue | West | From a point 35 feet from intersection of Ventnor Avenue to a point 50 feet south thereof |
| Weymouth Avenue | West | From a point 50 feet from stop sign, then north of Ventnor Avenue 22 feet |
| Year-Round Operation (nine-hour time limit) [Added 8-15-1985 by Ord. No. 8515] <i>Editor's Note: This ordinance also repealed the portion of Schedule XXI that provided for the operation of a nine-hour time limit from June 1 through September 15, as amended 6-4-1979 by Ord. No. 7904, 11-3-1980 by Ord. No. 8024 and 7-5-1983 by Ord. No. 8326.</i> 1 | | |
| Name of Street | Side | Location |
| Atlantic Avenue | South | From a point 35 feet from intersection of New Haven Avenue to a point 35 feet from intersection of Newport Avenue |
| Little Rock Avenue | West | From a point 103 feet south of Atlantic Avenue to a point 141 feet south thereof |

| | | | |
|--|-------------|--|--|
| Marston Avenue [Amended 7-11-1996 by Ord. No. 9606] | North | From a point 50 feet east of Cambridge Avenue to a point 35 feet west of Cornwall Avenue | |
| Marston Avenue [Amended 7-11-1996 by Ord. No. 9606] | South | From a point 35 feet east of Cambridge Avenue to a point 35 feet west of Cornwall Avenue | |
| New Haven Avenue [Amended 5-23-1996 by Ord. No. 9605] | East | From a point 25 feet south of Atlantic Avenue to a point 218 feet south thereof | |
| Newport Avenue | Both | From a point 27 feet from intersection of Atlantic Avenue on both sides of medial island to a point 262 feet south thereof | |
| Somerset Avenue | East | From a point 50 feet from stop sign, then south of Atlantic Avenue to the Beach | |
| Suffolk Avenue | Both | From a point 27 feet from intersection of Atlantic Avenue on both sides of a medial island to a point 323 feet south thereof | |
| Surrey Avenue | East | From a point 50 feet from stop sign at Atlantic Avenue, then south to the Beach | |
| Surrey Avenue | West | From a point 35 feet from intersection of Atlantic Avenue south to the Beach | |
| Victoria Avenue | East | From a point 50 feet from stop sign to a point 252 feet south of Atlantic Avenue | |
| Victoria Avenue [Added 8-3-1989 by Ord. No. 8918] | West | From a point 50 feet from the stop sign to a point 70 feet north thereof | |
| Weymouth Avenue | East | From a point 50 feet from stop sign, then south of Atlantic Avenue to the Beach | |
| Permanent Parking for Municipal Employees [Added 12-1-1988 by Ord. No. 8837] | | | |
| Name of Street | Side | Hours | Location |
| Winchester Avenue | South | At all times | From a point 35 feet from the intersection of New Haven Avenue to a point 65 feet west therefrom |

ORDINANCE NO. 2013-17

**AN ORDINANCE AMENDING CHAPTER 102-11 (DEFINITIONS)
OF THE VENTNOR CITY CODE AS IT RELATES TO BUILDING HEIGHTS**

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City as follows:

SECTION I. Section 102-11 of the Code of the City of Ventnor shall be amended as follows:

Building Height, Maximum shall be deleted in its entirety.

The following definitions shall be added:

Building Height, Principal Building – For any new construction, substantial improvement, and substantial addition to any building located in an Area of Special Flood Hazard as set forth in §126-7 of this Ordinance, the vertical distance measured from the base flood elevation as shown on the Federal Emergency Management Agency’s (FEMA) Base Flood Elevation (BFE) maps, plus two (2) feet of freeboard, to the highest finished surface of the coping for a flat roof, deckline for a mansard roof, or gable for a pitched or hip roof structure. If the principle building’s first floor is at least two (2) feet over the base flood elevation, the maximum building height shall be measured from the first floor elevation, but not more than four (4) feet greater than the base flood elevation, to the highest finished surface of the coping for a flat roof, deckline for a mansard roof, or gable for a pitched or hip roof structure. If an existing principle building’s first floor is below the base flood elevation, plus two (2) feet of freeboard, and the building is not being raised, or the building is not located in an Area of Special Flood Hazard as set forth in §126-7 of this Ordinance, the maximum building height shall be the vertical distance measured from Elevation 11.8 (NAVD88) for all principal structures located south of Atlantic Avenue and Elevation 10.8 (NAVD88) for all structures located north of Atlantic Avenue to the highest finished surface of the coping for a flat roof, deckline for a mansard roof, or gable for a pitched or hip roof structure.

Building Height, Accessory Structure – The building height for accessory structures shall be measured from Elevation 9.8 (NAVD88) for accessory buildings south of Atlantic Avenue and Elevation 8.8 (NAVD88) for accessory buildings north of Atlantic Avenue, to the highest finished surface of the coping for a flat roof, deckline for a mansard roof, or gable for a pitched or hip roof structure.

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

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

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

FIRST READING August 15, 2013

PUBLICATION August 19, 2013

PUBLIC HEARING &
ADOPTION: September 19, 2013

ORDINANCE 2013-18

AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER 38, POLICE DEPARTMENT OF THE CODE OF THE CITY OF VENTNOR CITY

SECTION I. CHAPTER 38, POLICE DEPARTMENT, OF THE CODE OF THE CITY OF VENTNOR CITY SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

38-1 Establishment of the Police Department

There is hereby created in and for the City of Ventnor City, a Police Department whose rank structure shall consist of Chief of Police, Captain, Lieutenant, Sergeant and patrol officer, to be appointed to these positions by the governing body of Ventnor City. The decision whether or not to fill the mentioned positions and the compensation for same is within the complete and unfettered discretion of the governing body.

38-2 Purpose of the Police Department

The Police Department shall:

Preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of Ventnor City; direct and control traffic; provide attendance and protection during emergencies; make appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.

38-3 Designation of Appropriate Authority

In accordance with N.J.S.A. 40A:14-118, the Commissioner of Public Safety is hereby designated as the appropriate authority and is hereby vested with the powers and duties of an appropriate authority as delegated by law. The appropriate authority is responsible for the overall performance of the Police Department. The appropriate authority shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members.

38-4 Chief of Police; powers and duties

The Commissioner of Public Safety shall appoint a Chief of Police with the consent and approval of the governing body. The Chief shall be directly responsible to the Appropriate Authority for the efficiency and routine day-to-day operations of the Police Department. The Chief of Police shall pursuant to policies established by the governing body and consistent with City ordinances:

1. Administer and enforce the rules and regulations of the Police Department and any special emergency directives for the disposition and discipline of the Department and its officers and personnel.
2. Have, exercise and discharge the functions, powers and duties of the Police Department.
3. Prescribe the duties and assignments of all subordinates and other personnel.
4. Delegate such of his authority as he may deem necessary for the efficient operation of the Police Department to be exercised under his direction and supervision.

5. Report at least monthly to the Appropriate Authority in such form as shall be prescribed by the governing body on the operation of the force during the preceding month, and make such other reports as may be requested by the governing body.
6. Perform other duties as determined by the Commissioner or Public Safety or designee.
7. Power to Appoint Temporary Replacement. The Chief of Police may act on his/her own initiative to temporarily place in command any other officer in order to perform the functions of the Chief of Police if he/she is unable, by reason or by disability, to perform the functions of his/her office.

38-5 Appointment of Police Department, Officers and Personnel

No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey statutes. The selection criteria for a police officer shall be in accordance with department policy, the rules and regulations of the State of New Jersey Civil Service Commission and as otherwise prescribed by the statutes of the State of New Jersey and City ordinances. The Chief of Police shall also require that an applicant for the appointment to the Police Department shall successfully complete a criminal background check and a physical, mental and psychological examination.

38-6 Special Law Enforcement Officers

The City of Ventnor City may appoint from time to time special law enforcement officers pursuant to and in compliance with the Special Law Enforcement Officers Act (N.J.S.A. 40A:14-146.8 et seq.).

1. Duties
 - a. In addition to the duties set forth under N.J.S.A. 40A:14-146.11(a), Class One Officers shall be empowered to issue summonses for disorderly persons and petty disorderly persons offenses, violations of the municipal ordinances and violations of Title 39 of the revised statutes.
 - b. In addition to the duties set forth under N.J.S.A. 40A:14-146.11(a) Class Two Officers shall be authorized to exercise full powers and duties similar to those of a permanent, regularly-appointed, full-time Police Officer.
2. Supplemental
 - a. Special law enforcement officers shall not be continued as regular members of the Police Department and shall not be entitled to tenure.
 - a. Special Law Enforcement Officers shall not be utilized to supplant regular Police Officers on City assigned extra-duty assignments.
 - b. Special Law Enforcement Officers are subject to the personnel policies of the City of Ventnor City.
 - c. Special Law Enforcement Officers are subject to the Ventnor City Police Department's Written Directive System, where applicable.

38-7 Disciplinary Actions

Discipline of employees will be imposed consistent with New Jersey State statutes, New Jersey Administrative code, and the rules and regulations of the State of New Jersey Civil Service Commission. The written charges will be signed by the Chief of Police or designee as provided in the New Jersey statutes and the Police Department's Rules and Regulations. Employees may also be subject to discipline for violating other statutes, ordinances, and policies.

38-8 Rules and Regulations

The appropriate authority shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations, and all employees of the Police Department shall be subject to such rules and regulations and penalties. A copy of the Rules and Regulations shall be distributed electronically to all police department employees and are available to all persons desiring to use and examine the same.

38-9 Extra Duty Employment of Police Officers

1. Definition

Extra-duty employment is defined as employment by an outside business or individual, which is approved by the Chief of Police or his/her designee, and officers are scheduled by the Department, where the use of law enforcement powers may be anticipated. This term is synonymous with "private detail".

2. Purpose

- a. Ventnor City Police Department is authorized to allow the extra duty employment of City police while off-duty, the City hereby establishes a policy regarding the use of said officers.
- b. Members of the Ventnor City Police Department, with the permission of the Chief of Police or his/her designee, shall be permitted to accept extra-duty employment assignments only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the City.
- c. Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police or his/her designee, which approval shall be granted if in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.
- d. Upon the Chief of Police's review of a special events permit or any other instance where the Chief of Police deems it necessary for the employment of extra duty police officers for the general welfare and safety of the public, the Chief of Police or his or her designee may require extra duty officers be assigned to an event, activity or assignment at the individual or entities sole expense.

3. Application and Fees for Extra Duty Employment for Police Officers

If police security is required or determined to be necessary by the Chief of Police of Ventnor for any extra duty employment then in that event, the applicant shall be required to make application to the Chief of Police and shall be required to pay for said police and security. Such fee shall be based on the hourly rate as set forth in the current collective bargaining agreement plus an administrative fee of \$20.00 per hour. A three hour minimum payment shall be required for all extra duty employments.

4. Escrow Accounts

- a. Any person or entity requesting the services of an off-duty law enforcement officer in the Ventnor City Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, and shall establish an escrow account with the Treasurer of the City by depositing an amount sufficient to cover the rates of compensation and administrative fees for the total estimated hours of service. The City acknowledges that an emergent situation may arise that may require the immediate use of extra duty employment without adequate time for an escrow account to be opened. In such instances, the Chief of Police and or his/her designee shall have the authority to waive this provision.
- b. Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police or his or her designee, shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the City Treasurer. No officer shall provide any such services for more hours than are specified in the request for services.
- c. In the event the projected hours for the event or project exceed the amount that has been paid into the escrow account, the Chief of Police at his discretion may cease the services of the off-duty law enforcement officers and requests for further services may not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above or the Chief may allow the post to continue with an agreement that the individual or entity shall pay the additional expenses within ten (10) days of the posting.
- d. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.

5. Requests for Services

- a. Any law enforcement officers, when so employed by the City, shall be treated as an employee of the City provided, however, that wages earned for extra duty employment shall not be applied toward the pension benefits of law enforcement officers so employed.

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

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

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

FIRST READING: October 17, 2013

PUBLICATION: October 21, 2013

PUBLIC HEARING:
& ADOPTION: November 21, 2013

ORDINANCE NO. 2013-19

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102-
DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF VENTNOR
AS IT RELATES TO DUPLEXES AND/ OR 2 FAMILY DWELLINGS

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 shall be amended and supplemented as follows:

ARTICLE XVIII

SECTION 102-115.1

All Sections of Chapter 102 herein which contained duplexes and apartments as permitted or designated as prior non-conforming structures shall be modified and amended herein.

SECTION 102-115.2

Duplexes or apartment houses existing at the time of this chapter, and having a certificate of nonconformity in all zoning districts shall be permitted to be demolished and replaced with any permitted use in such zoning district or a duplex or two-family dwelling.

SECTION 102-115.3 Area and bulk requirements:

The following area and bulk requirements shall apply:

A. Lot size.

- (1) The minimum lot size shall be 2,000 square feet for duplexes.
- (2) The minimum lot size shall be 3,125 square feet for two-family dwellings.

B. Lot width.

- (1) The minimum lot width shall be 32 feet
- (2) The minimum lot width shall be 50 feet for two-family dwellings.

C. The minimum lot depth shall be 62.5 feet.

D. Coverage.

- (1) The maximum building coverage shall be 60%
- (2) The maximum lot coverage shall be 75%

E. Front yard.

- (1) The front yard shall be a minimum of 10 feet for duplexes.
- (2) The front yard shall be a minimum of 10 feet for two-family dwellings.

F. Side yard.

- (1) The side yard shall be a minimum of 4 feet on each side for duplexes.
- (2) The side yard shall be a minimum of 5 feet on each side for two-family dwellings.

G. Rear yard.

(1) The rear yard shall be a minimum of 6 feet on each side for duplexes.

(2) The rear yard shall be a minimum of 6 feet on each side for two-family dwellings.

H. The maximum principal building height shall be 35 feet.

I. Off street parking shall be provided in accordance with the Residential Site Improvement Standards. Parking shall be provided beneath the structure and shall be fully enclosed.

J. The new structure must conform to the minimum flood elevation.

K. Dwellings on lots with frontage on more than one street shall be required to front on the street where the majority of dwellings in the block have frontage.

SECTION II: All Ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency, including but not limited to Sec. 102-5 and 6.

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 September 19, 2013

PUBLICATION September 23, 2013

PUBLIC HEARING &
ADOPTION: October 17, 2013

ORDINANCE NO. 2013-20

AN ORDINANCE AMENDING SECTION 102-160.4 OF THE CODE OF THE CITY OF VENTNOR TO INCLUDE AN ADMINISTRATIVE TAX MAP MAINTENANCE FEE

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City as follows:

SECTION I. Chapter 102-160.4 Fee Schedule shall be amended to include the following:

H. In all applications for major or minor subdivisions, lot consolidations, removal or additions of easements or any other action that may require a modification to the tax map, an Administrative Tax Map Maintenance Fee shall be submitted by separate check in the amount of \$100 per lot in order to update and modify the City of Ventnor Tax Maps. The above fee shall be deposited in a fund for use by the Tax Assessor in order to update the tax map by the Professional Land Surveyor (PLS) on record with the City of Ventnor. Tax maps shall be updated in January each year for the previous year. The Tax Assessor shall retain a record of tax map updates each year.

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

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

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

FIRST READING October 17, 2013

PUBLICATION October 21, 2013

PUBLIC HEARING
& ADOPTION November 21, 2013

ORDINANCE NO. 2013-21

**ORDINANCE AMENDING BOND ORDINANCE 2013-10 OF
THE CITY OF VENTNOR CITY, IN THE COUNTY OF
ATLANTIC, NEW JERSEY**

BE IT ORDAINED, by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey ("City") (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. Section 7(D) and (H) of Bond Ordinance 2013-10 is hereby amended to provide as follows:

| | <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----|---|--|--------------------------------|---|--|
| D. | Acquisition of Various Pieces of Equipment for Public Safety including, but not limited to, Air Packs, Computers, and Login Recorders, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto. | \$202,821 | \$10,141 | \$192,680 | 5 years |
| H. | Acquisition of Various Four Wheel Drive Vehicles for Public Safety including Police and Fire Department SUVs, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto. | 133,679 | 6,684 | 126,995 | 5 years |

Section 2. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended capital budget and capital improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the City Clerk and available for public inspection.

Section 3. All other parts of the Bond Ordinance not amended hereby shall remain in full force and effect.

Section 4. In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: October 31, 2013

Publication: November 4, 2013

Public Hearing and Adoption: November 21, 2013