2015 ORDINANCES PENDING & ADOPTED

		E PUBLIC HEARING DOPTION
2015-01	CREATE CHP 179, FORECLOSING CREDITOR OBLIGATIONS REGARDING RESIDENTIAL PROPERTIES	2.19.15
2015-02	SALARY ORDINANCE	2.19.15
2015-03	AMEND CHP 220 -WATER USAGE RATES	3.19.15
2015-04	AMEND CHP 186 - SEWER USAGE RATES	3.19.15
2015-05	COLA	3.19.15
2015-06	AMEND CHP 204, TO INCLUDE TAX EXEMPTION APPLICATION FEE	3.19.15
2015-07	AMEND CHP 126-5 DEFINITIONS IN FLOOD HAZARD AREAS	3.19.15
2015-08	AMEND CHP 102-11 DIFINITIONS IN DEVELOPMENT REGULATIONS	3.19.15
2015-09	AMEND CHP 102-118.2 EXCEPTIONS (BUILDING HEIGHTS)	3.19.15
2015-10	AMEND CHP 102-118.3D (REAR YARD DECKS)	3.19.15
2015-11	AMEND CHP 122, CHARGES FOR EMERGENCY MEDICAL SERVICES	4.16.15
2015-12	AMEND CHP 214, PARKING	4.16.15
2015-13	AMEND CHP 126, FLOOD HAZARDS	4.16.15
2015-14	AMEND CHP 102-11, DEFINITIONS & WORD USAGE	4.16.15
2015-15	AMEND CHP 72, BEACHES	4.16.15
2015-16	AMEND CHP 193, SPECIAL EVENTS	4.16.15
2015-17	AMEND CHP 173, PEDDLING & SOLICITING	4.16.15
2015-18	AMEND 2015 SALARY ORDINANCE	5.07.15
2015-19	AMEND CHP 102-138 (B)(3), MAXIMUM SIZE OF DRIVEWAYS	8.20.15
2015-20	AMEND CHP 102-118.6 (D), CURB CUTS	8.20.15
2015-21	NO PARKING CERTAIN HOURS (N BURGHLEY)	9.17.15
2015-22	AUTHORIZE SPECIAL EMERGENCY NOTES (CITY WIDE REVAL)	9.17.15
2015-23	AUTHORIZE \$250,000 SUPPLEMENTAL FUNDING FOR NJEIT PROJECTS	11.19.15
2015-24	CANCELL W/S APPROPRIATION BALANCES & REAPPROPRIATE	11.19.15
2015-25	CANCEL APPROPRIATION BALANCES FOR BULKHEAD RECONSTRUCT & REAPPROPRIATE FOR RECONSTRUCT & RESTORE GUTTERS, RAMPS & ROADS	11.19.15
2015-26	AMEND CHP 102, LANDSCAPING REQUIREMENTS	11.19.15
2015-27	CANCEL CERTAIN APPROPRIATION BALANCES & REAPPROPRIATE FOR RECONSTRUCTIO & RESTORATION OF VARIOUS STREETS & ROADS	N 12.17.15
2015-28	AMEND CHP 143, LAND USE TO COMBINE PLANNING & ZONING BOARDS	12.17.15

Ordinance No. 2015-01

AN ORDINANCE CREATING CHAPTER 179 OF THE CITY CODE TO BE ENTITLED "FORECLOSING CREDITOR OBLIGATIONS REGARDING RESIDENTIAL PROPERTIES"

BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF VENTNOR, AS FOLLOWS:

SECTION I: Creation of Chapter 179, Entitled "Foreclosing Creditor Obligations Regarding Residential Properties" to read as follows:

CHAPTER 179: Foreclosing Creditor Obligations Regarding Residential Properties

Section 179-1: Report of Foreclosure Proceedings by In-State Creditors

- A. In accordance with N.J.S.A. 46:10B-51, an in-State creditor serving a summons and complaint in an action to foreclose a mortgage on a residential property in the City shall, within 10 days of effectuating service, notify the City Clerk of the filing of the action and service of the complaint and summons against the subject property.
- B. The notice to the City Clerk shall be in writing by mail or e-mail and shall provide:
 - 1. The street address of the property.
 - 2. The block and lot numbers of the property.
 - 3. Indicate if the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act" (N.J.S.A. 52:27D-301 et al.)
 - 4. The full name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations.
- C. The notice described in this Section may contain notice information regarding more than one property in foreclosure.
- D. The Clerk shall forward a copy of the notice to the designated enforcement officer under Section 179-4 as soon as practicable after receipt.

Section 179-2: Report of Foreclosure Proceedings by Out-of-State Creditors

- A. In accordance with N.J.S.A. 46:10B-51 and N.J.S.A. 40:48-2.12s, an out-of-State creditor serving a summons and complaint in an action to foreclose a mortgage on a residential property in the City shall, within 10 days of effectuating service, notify the City Clerk of the filing of the action and service of the complaint and summons against the subject property.
- B. The notice to the City Clerk shall be in writing by mail or e-mail and shall provide:
 - 1. The street address of the property.
 - 2. The block and lot numbers of the property.
 - 3. Indicate whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act" (N.J.S.A. 52:27D-301 et al.)
 - 4. The full name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations.
 - 5. The notice to the City Clerk shall also contain the full name and contact information of an in-State representative or agent designated by the creditor be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned.
- C. The notice described in this Section may contain notice information regarding more than one property in foreclosure.
- D. The Clerk shall forward a copy of the notice to the designated enforcement officer under Section 179-4 as

soon as practicable after receipt.

Section 179-3: Creditor Responsibility for Property Exterior

- A. A creditor serving a summons and complaint in an action to foreclose a mortgage on a residential property in the City shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property should the property become vacant or abandoned before or during the pendency of the foreclosure proceedings.
- B. A creditor's care, maintenance, security, and upkeep responsibilities under this Chapter shall continue until title to the property vests with the creditor, title vests with a person or entity other than the debtor or creditor, or the foreclosure complaint is dismissed.
- C. The substance of a creditor's care, maintenance, security, and upkeep obligations shall be those that: (1) are set forth or referenced in Chapters 86, 89, 98, 110, 122, 132, 138, 158, 178, or 197 of the City Code; and (2) relate to residential property exteriors.

Section 179-4: Designated Enforcement Officers

The City employees or officials respectively responsible for enforcement of the provisions of Chapters 86, 89, 98, 110, 122, 132, 138, 158, 178, and 197 shall be responsible for the enforcement of those provisions on creditors subject to this Chapter to the same extent they would be responsible for enforcement against a title owner.

Section 179-5: Determination of "Vacant and Abandoned"

- A. A property shall be considered vacant and abandoned where the property is unoccupied by the title owner, a mortgagor, or a leasee and at least two of the following conditions exist:
 - 1. Overgrown or neglected vegetation;
 - 2. Accumulation of newspapers, circulars, flyers, or mail on the property;
 - 3. Disconnected gas, electric, or water utility service to the property;
 - 4. Accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
 - 5. Accumulation of junk, litter, trash, or debris on the property;
 - 6. Absence of window treatments such as blinds, curtains, or shutters;
 - 7. Absence of furnishings and personal items;
 - 8. Statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
 - 9. Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
 - 10. Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
 - 11. A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
 - 12. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
 - 13. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
 - 14. A written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property; or
 - 15. Any other reasonable indicia of abandonment.
- B. A property shall be considered vacant and abandoned where the creditor brings its action for foreclosure in a summary manner pursuant to any statutory or common law authority to foreclose upon vacant or abandoned property in such a manner.

- A. A designated enforcement officer under Section 179-4 shall provide notice to the creditor, through the creditor's designated representatives, of any violation of this Chapter by virtue of the creditor's failure to provide for the care, maintenance, security, and upkeep of the exterior of a vacant or abandoned residential property.
- B. The notice shall provide a description of the conditions that gave rise to the violation.
- C. The notice shall require that the creditor correct the violation within 30 days of receipt of the notice or, where the violation presents an imminent threat to public health and safety, within 10 days of the receipt of the notice.
- D. If the notice is for a violation presenting an imminent threat to public health and safety, the notice shall so indicate.

Section 179-7: Fines and Recovery of Public Funds

- A. An out-of-State creditor found by a court of competent jurisdiction to have violated this Chapter by failing to designate an in-State representative or agent pursuant to Section 179-2B shall be subject to a fine of \$2,500 for each day of the violation commencing on the first day after the 10-day period for notice to the City Clerk under Section 179-2A.
- B. A creditor found by a court of competent jurisdiction to have violated this Chapter by failing to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to Section 179-6 shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following the creditor's receipt of the notice, except if the violation presents an imminent risk to public health, in which case any fines shall commence 11 days following the creditor's receipt of the notice.
- C. If, after the correction period under Section 179-6 has expired, the City expends public funds in order to correct a violation of a creditor's care, maintenance, security, or upkeep obligation, the City shall have the same recourse against the title owner of the property, including but not limited to the filing of municipal liens and the recourse provided under N.J.S.A. 55:19-100.

Section 179-8: Allocation of Collected Fines

No less than 20 percent of any monies collected pursuant to Section 179-9A and 179-7B shall be utilized by the City for code enforcement purposes.

SECTION II: Repealer

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

SECTION III: Savings Clause

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: Effective Date

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

FIRST READING January 15, 2015

PUBLICATION January 21, 2015

PUBLIC HEARING &

ADOPTION February 19, 2015

ESTABLISHING 2015 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:

<u>SECTION I.</u> 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.

<u>SECTION II.</u> 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:

		SALARY RANGE	
DP CODE	TITLE	FROM	ТО
00001	Account Clerk	\$25,000	\$58,100
	Attendants-Fishing Pier	\$5.25/hr	\$10.00/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	\$15,000	\$59,600
07451	Chief Financial Officer	\$24,000	\$103,500
	Chief, Beach Patrol	\$13.50/hr	\$36.00/hr
01229	City Clerk	\$24,000	\$87,000
01285	Code Enforcement Officer	\$25,000	\$39,300
01290	Commissioner	\$7,500	\$10,000
05045	Construction Official	\$20,000	\$89,197
01509	Deputy City Clerk	\$15,000	\$25,000
01506	Deputy Fire Chief	\$56,400	\$115,800
07796	Deputy Municipal Court Administrator	\$15,000	\$33,540
05046	Electrical Sub-Code Official	\$3,000	\$16,000
01746	Equipment Operator	\$15,000	\$22,500
01836	Fire Captain	\$56,000	\$108,700
01837	Fire Chief	\$56,000	\$138,951
01839	Fire Fighter	\$22,800	\$88,750
01843	Fire Lieutenant	\$52,700	\$97,270
05200	Fire Sub-Code/Plumbing Sub-Code Official	\$7,500	\$27,200
06818	General Supervisor Traffic Maintenance	\$15,000	\$59,120
02071	Housing Inspector	\$15,000	\$63,300
	Flood Plains Manager	\$5,000	\$10,000
	PEOSHA Building Inspector	\$2,000	\$5,000
02219	Judge of Municipal Court	\$15,000	\$25,000
01268	Keyboarding Clerk 1	\$15,000	\$59,600
02248	Laborer	\$22,500	\$56,500
	Lieutenant, Beach Patrol	\$9.50/hr	\$24.00/hr
02297	Lifeguard	\$9.50/hr	\$22.00/hr
01940	Maintenance Worker 1 Grounds	\$20,000	\$56,000

02390	Management Specialist	\$10,000	\$48,700
02428	Mayor	\$8,500	\$10,000
02434	Mechanic	\$22,500	\$60,200
02456	Mechanic's Helper	\$22,500	\$56,900
02519	Municipal Administrator	\$5,000	\$31,200
07795	Municipal Court Administrator	\$15,000	\$55,118
05079	Municipal Emergency Management Coordinator	\$15,000	\$55,000
06328	Municipal Engineer	\$50,000	\$105,000
10107	Network Administrator I	\$25,000	\$80,950
07305	Parking Enforcement Officer	\$15,600	\$32,700
02604	Park Maintenance Worker	\$15,000	\$56,000
	Pier Master	\$250/wk	\$900/wk
05056	Plumbing Sub-Code Official	\$3,000	\$27,200
02718	Police Captain	\$69,984	\$119,950
02719	Police Chief	\$72,000	\$134,324
02727	Police Lieutenant	\$64,650	\$109,050
	Police Lieutenant, Assigned Detective	\$69,984	\$119,950
02728	Police Officer	\$26,592	\$90,107
	Police Officer, Assigned Detective	\$59,723	\$99,117
02739	Police Sergeant	\$59,723	\$99,117
	Police Sergeant, Assigned Detective	\$64,650	\$109,050
02534	Prosecutor	\$10,000	\$31,000
01296	Public Safety Telecommunicator	\$24,500	\$62,113
02936	Public Works Superintendent	\$15,000	\$98,687
02495	Pump Station Operator	\$22,500	\$57,700
05674	Receptionist/Telephone Operator Typing	\$15,000	\$60,373
02993	Recreation Leader	\$6,000	\$55,786
02995	Recreation Leader Arts & Crafts	\$12,000	\$19,053
04440	Recreation Leader Tennis	\$200/wk	\$840/wk
	Recycling Coordinator	\$2,500	\$5,000
03127	Secretarial Assistant	\$15,000	\$49,500
03125	School Crossing Guard	\$20.00/day	\$60.00/day
05875	Sewer Repairer/Water Repairer	\$22,500	\$56,200
05945	Sewer Superintendent/Water Superintendent	\$25,000	\$88,155
06895	Special Law Enforcement Officer	\$10,000	\$32,060
03805	Street Sweeper	\$22,500	\$54,600
06724	Supervising Mechanic	\$22,500	\$65,200
06707	Supervisor Sewer/Supervisor Water	\$22,500	\$62,900
04120	Tax Assessor	\$20,000	\$70,400
04124	Tax Collector	\$24,000	\$81,060
53099	Technician, Management Information Systems	\$25,000	\$35,000
04189	Traffic Maintenance Worker	\$22,500	\$52,100
05742	Water Meter Reader/Water Meter Repairer	\$22,500	\$54,500

<u>SECTION IV.</u> The compensation indicated above shall be the maximum basic salary per annum within said title, payable in biweekly installments, exclusive of longevity and holiday pay.

SECTION V. The salaries and all rights contained in this Ordinance shall be effective as of January 1, 2015.

<u>SECTION VI.</u> 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.

<u>SECTION VII</u>. 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. No employee shall have dual coverage under the State Health Benefit Plan (SHBP). If an employee has coverage under the SHBP through a spouse or civil service union that employee shall not be entitled to the waiver stipend.

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.

FIRST READING January 15, 2015

PUBLICATION January 21, 2015

PUBLIC HEARING &

ADOPTION February 19, 2015

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 2015 calendar year.

A. Water - Annual Fixed Amount \$198.00

B. Variable rate per 1,000 gallons \$ 1.07

C. Variable rate per 1,000 gallons for the months \$ 1.32 of June, July and August

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 19, 2015

PUBLICATION: February 23, 2015

PUBLIC HEARING &

AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE CITY OF VENTNOR AS THE SAME RELATES TO SEWERS

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

SECTION I. Section 186-2.1 of the Code of the City of Ventnor shall be amended to read as follows:

B. Sewer Fixed Annual Amount

\$217.00

C. Sewer Variable Rate per 1,000 gallons

\$4.51

D. Sewer Variable rate per 1,000 gallons

for the months of June, July and August

\$5.54

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 19, 2015

PUBLICATION: February 23, 2015

PUBLIC HEARING &

ORDINANCE 2015-05 CITY OF VENTNOR

CALENDAR YEAR 2015

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 1.00% 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 2015 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 2.50% increase in the budget for said year, amounting to \$572,482 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 2015 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 \$801,475, and that the CY 2015 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 February 19, 2015

PUBLICATION February 23, 2015

PUBLIC HEARING &

ORDINANCE 2015-06 AN ORDINANCE AMENDING CHAPTER 204 OF THE VENTNOR CITY CODE-TAXATION

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor as follows: Section I. Section 204-7.1 GUIDELINES AND FEES shall be added as follows:

- (A) Following receipt of the Application, the Tax Assessor shall review each application for completeness and prepare a Tax Estimate Worksheet. A copy of the Application and Tax Estimate Worksheet shall be provided City's Business Administrator, Clerk, and Chief Financial Officer, and the City Solicitor.
- (B) Within sixty (60) days of receiving the filed Application, the City Business Administrator shall forward a copy of the completed Application and Tax Estimate Worksheet to the governing body.
- (C) Fees: The initial fee schedule for the application shall be as follows:
 - (1) For New Residential Construction: \$200.00;
 - (2) For New Multi Dwelling Construction: \$100.00 per dwelling unit;
 - (3) For Commercial, Industrial and Mixed Use Improvements or New

Construction: \$500.00.

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 19, 2015

PUBLICATION: February 23, 2015

PUBLIC HEARING &

AN ORDINANCE AMENDING CHAPTER 126-5 DEFINITIONS IN THE FLOOD HAZARD AREAS OF THE CODE OF THE CITY OF VENTNOR

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

Section I. Section 126-5 Definitions Building Height, Principal Building shall be removed in its entirety and replaced with the following:

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 Code, 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 principal building 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 no 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. For any new construction, substantial improvement, and substantial addition to any building located in an area designated as AE8 Zone as set forth in §126-7 of this Code, 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 three (3) 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 an existing principal 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 Code, 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 principal 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. (See Section 102-118.2, Exceptions)

Section II. Section 126-5 Definitions shall be amended to include the following new definition:

ENCLOSURE: A nonhabitable, unfinished or flood-resistant space below the base flood elevation (BFE) usable solely for parking of vehicles, storage and building access to the first floor. Such space shall not be partitioned into multiple rooms, 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 such 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.

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

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

FIRST READING: February 19, 2015

PUBLICATION: February 23, 2015

PUBLIC HEARING &

AN ORDINANCE AMENDING CHAPTER 102-11 DEFINITIONS IN THE DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF VENTNOR

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

Section I. Section 102-11 Definitions Building Height, Principal Building shall be removed in its entirety and replaced with the following:

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 Code, 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 principal building 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 no 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. For any new construction, substantial improvement, and substantial addition to any building located in an area designated as AE8 Zone as set forth in §126-7 of this Code, 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 three (3) 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 an existing principal 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 Code, 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 principal 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. (See Section 102-118.2, Exceptions)

Section II. Section 102-11 Definitions shall be amended to include the following new definition:

ENCLOSURE: A nonhabitable, unfinished or flood-resistant space below the base flood elevation (BFE) usable solely for parking of vehicles, storage and building access to the first floor. Such space shall not be partitioned into multiple rooms, 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 such 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.

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

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

FIRST READING: February 19, 2015

PUBLICATION: February 23, 2015

PUBLIC HEARING &

AN ORDINANCE AMENDING CHAPTER 102-118.2 EXCEPTIONS OF THE DEVELOPMENTAL REGULATIONS OF THE CODE OF THE CITY OF VENTNOR

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

- Section I. Section 102-118.2(I) Exceptions shall be removed and replaced with the following:
 - (I) Restoration of existing uses, buildings or structures, nonconforming:
- (1) For purposes of floodproofing renovations, the finished first floor of any existing nonconforming structure may be increased in elevation without board action, conditioned upon the following: No habitable living space of any kind shall be created below the finished first-floor elevation and this space meets the definition of enclosure, and no building shall be raised more than three (3) feet above the established Federal Emergency Management Agency (FEMA) base flood elevation at the time of construction.
- (2) The definition of building height for purposes of this section shall be modified to permit an increased elevation in height up to but not more than three (3) feet above the base flood elevation.
- Section II. Section 102-118.2(J) Exceptions shall be added to read as follows:
 - (J) Maximum building heights may be modified to allow for increased heights subject to the following:
 - (1) For purposes of providing off-street parking and flood proofing of any proposed new single family, duplex or two-family dwelling structures that conform to all setback regulations, building height may be increased so that the finished first floor is a maximum of nine (9) feet higher than the highest curb elevation along the lot frontage. Building height shall be the vertical distance measured from the finished first floor 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.
- (2) Off-street parking must be provided in accordance with §102-118.6. Any parking provided within the building envelope and below the first floor must be enclosed within the structure and comply with the definition of enclosure.
- (3) Steps and stairs to the first habitable floor areas in front yards may not exceed 13' in width and must otherwise conform to §102-1183B.

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

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

FIRST READING: February 19, 2015

PUBLICATION: February 23, 2015

PUBLIC HEARING &

AN ORDINANCE AMENDING CHAPTER 102-118.3(D) OF THE DEVELOPMENTAL REGULATIONS OF THE CODE OF THE CITY OF VENTNOR

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

Section I. Section 102-118.3(D) Additional Regulations shall be removed and replaced with the following:

- (D) Decks in the rear yards:
- (1) Decks in the rear yards at a finished elevation no greater than 16 inches above the existing sidewalk elevation in front of said properties shall be no closer than four (4) feet from the rear property line. Porches and decks shall be permitted to extend to the established seawall or bulkhead, however, no porch or deck shall be permitted within the side yard setbacks required in the zone.
- (2) The decks shall be no higher than the first habitable floor of the dwelling with a railing no higher than 42 inches from said porch or deck.
- (3) For first habitable story porches and decks, encroachment into the rear yard setback is permitted providing that the porch/deck width measured from the rear of the dwelling toward the rear lot line is no greater than six (6) feet. A 6' maximum rear yard setback encroachment shall be permitted. A minimum six (6) feet rear yard setback as measured from the rear lot line is also required.
- (4) Porches and decks in the rear yard shall be no higher than the first habitable story for dwellings adjacent to Inside Thorofare, West Canal, East Canal and Beach Thorofare.
- (5) Porches and decks in the rear yard shall be no higher than the first habitable story for dwellings adjacent to the bulkhead or seawall along the Boardwalk and Atlantic Ocean.
- (6) For dwelling structures raised in accordance with Section 102-118.2(J), the maximum deck or porch height is nine (9) feet higher than the highest curb elevation along the lot frontage.

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

FIRST READING: February 19, 2015

PUBLICATION: February 23, 2015

PUBLIC HEARING &

AN ORDINANCE AMENDING SECTION 122, ARTICLE III, CHARGES FOR EMERGENCY MEDICAL SERVICES

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

Section I. Chapter 122-19. Fee for services shall be deleted and replaced in its entirety as follows:

A) The charges for rendering ambulance services to an individual or parties shall be:

Service Basic life support, emergency	Fee \$700.00
Basic life support, mileage (per mile) Disposable collar Oxygen administration	\$15.00 \$25.00 \$55.00

- B) If the individual and/or parties utilizing ambulance services is/are covered by Medicaid or Medicare, then the fees established under those programs shall be accepted. In no instance shall those individuals and/or parties be charged a rate higher than established in Subsection A above.
- C) Any such bill for services will be sent directly to the individual and/or party's health insurance carrier, if such individual and/or party has insurance coverage related to said service.

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 19, 2015

PUBLICATION: March 23, 2015

PUBLIC HEARING &

ADOPTION April 16, 2015

AN ORDINANCE AMENDING SECTION 214 VEHICLES AND TRAFFIC, PART 1 TRAFFIC AND PARKING, ARTICLE XI SCHEDULES

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

Section I. Chapter 214-29. Schedule 1. No Parking shall be amended as follows:

A. Add Somerset Avenue, East, from a point 338 feet south of Atlantic Avenue to the southerly street end.

Section II. Chapter 214-32. Schedule IV. Time Limit Parking shall be amended as follows:

- A. Delete Portland Avenue, East, 8:00 a.m. to 12:00 midnight, except Sunday, 15 minutes, from a point 35 feet north of Ventnor Avenue to a point 133 feet north thereof.
- B. Delete Ventnor Avenue, North, 8:00 a.m. to 12:00 midnight, except Sunday, 15 minutes, from a point 68 feet east of Portland Avenue to a point 156 feet east thereof.
- C. Modify Ventnor Avenue, North, 7:00 a.m. to 5:30 p.m., 30 minutes, from Richards Avenue to Portland Avenue to Ventnor Avenue, North, 7:00 a.m. to 5:30 p.m., 45 minutes, from a point 62 feet west of Portland Avenue to appoint 106 feet west of Portland Avenue.
- D. Delete Ventnor Avenue, South, 7:00 a.m. to 9:30 p.m., 120 minutes, from Avolyn Avenue to Portland Avenue.
- E. Modify Ventnor Avenue, South, 8:00 a.m. to 12:00 midnight, 15 minutes, from a point 25 feet west of Newport Avenue to a point 28 feet west thereof to Ventnor Avenue, South, 8:00 a.m. to 12:00 midnight, 45 minutes, from a point 25 feet west of Newport Avenue to a point 99 feet west thereof.
- F. Modify Ventnor Avenue, South, 7:00 a.m. to 5:30 p.m., 30 minutes, from Victoria Avenue to Nashville Avenue to Ventnor Avenue, South, 8:00 a.m. to 12:00 midnight, 15 minutes, from a point 50 feet east of Victoria Avenue to a point 22 feet west thereof.

Section III. Chapter 214-61. Schedule XXI. Parking Meter Zones shall be amended as follows:

- A. Modify Troy Avenue, East, from a point 25 feet north of Ventnor Avenue to a point 134 feet north of Ventnor Avenue to Troy Avenue, West, from a point 25 feet north of Ventnor Avenue to a point 134 feet north of Ventnor Avenue.
- B. Delete Atlantic Avenue, Both, from a point 35 feet from intersection of Weymouth Avenue to a point 35 feet from the intersection of Frankfort Avenue.
- C. Modify Atlantic Avenue, North, from a point 35 feet from intersection of Little Rock Avenue to a point 35 feet from intersection of Weymouth Avenue to Atlantic Avenue, Both, from a point 35 feet from intersection of Little Rock Avenue to a point 35 feet from intersection of Weymouth Avenue.
- D. Add Atlantic Avenue, South, from a point 35 feet from Victoria Avenue to a point 35 feet from Weymouth Avenue.
- E. Add Ventnor Avenue, North, from a point 35 feet east of Richards Avenue to a point 25 feet west of Newport Avenue.
- F. Add Ventnor Avenue, North, from a point 25 feet west of Portland Avenue to a point 62 feet west of Portland Avenue.
- G. Add Ventnor Avenue, North, from a point 106 feet west of Portland Avenue to a point 25 feet east of Newport Avenue.
- H. Add Ventnor Avenue, South, from a point 35 feet east of Richards Avenue to a point 25 feet west of New Haven Avenue.
- I. Add Ventnor Avenue, South, from a point 25 feet east of New Haven Avenue to a point 99 feet west of Newport Avenue.
- J. Add Ventnor Avenue, South, from a point 25 feet east of Newport Avenue to a point 74 feet west of Portland Avenue.

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: March 19, 2015

PUBLICATION: March 23, 2015

PUBLIC HEARING &

ADOPTION April 16, 2015

AMENDING CHAPTER 126, FLOOD HAZARDS, OF THE CITY CODE OF THE CITY OF VENTNOR CITY

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

Section I

The definition of "Substantial Damage" shall be removed in its entirety and replaced with the following:

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 forty percent (40%) of the market 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 forty percent (40%) of the market value of the structure before the damages occurred.

The definition of "Substantial Improvement" shall be removed in its entirety and replaced with the following:

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, during a ten (10) year period, the cost of which equals or exceeds forty percent (40%) of the market 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.

Chapter 126-13 shall be amended to remove the Building Subcode Official as the designated local administrator, and replace same with the Certified Floodplain Manager. The entirety of the Ordinance shall be modified to be consistent with this change.

Chapter 126-16(B) shall be removed in its entirety and replaced with the following:

B. CONSTRUCTION MATERIALS AND METHODS

- (1) All new construction, substantial improvements, and lateral additions shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction, substantial improvements, and lateral additions shall be constructed using methods and practices that minimize flood damage.
 - (3) The use of fill to elevate buildings shall be prohibited.

Chapter 126-17(A)(1) shall be revised and amended as follows:

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, with the exception of structures located in an AE zone, with a BFE of eight (8), in which case the elevation shall be at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, whichever is more respective, plus three feet.

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

FIRST READING: March 19, 2015

PUBLICATION: March 23, 2015

PUBLIC HEARING &

ADOPTION April 16, 2015

AN ORDINANCE AMENDING CHAPTER 102-11, ARTICLE III DEFINITIONS AND WORD USAGE

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

Section I

The definition of "Substantial Damage" shall be removed in its entirety and replaced with the following:

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 forty percent (40%) of the market 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 forty percent (40%) of the market value of the structure before the damages occurred.

The definition of "Substantial Improvement" shall be removed in its entirety and replaced with the following:

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, during a ten (10) year period, the cost of which equals or exceeds forty percent (40%) of the market 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.

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

FIRST READING: March 19, 2015

PUBLICATION: March 23, 2015

PUBLIC HEARING &

ADOPTION April 16, 2015

AN ORDINANCE AMENDING CHAPTER 72-6 BEACHES OF THE CODE OF THE CITY OF VENTNOR

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

SECTION I. Section 72-6 Rules and Regulations shall be deleted in its entirety and replaced with the following: The following rules and regulations are hereby established, and it shall be unlawful to violate any of said rules and regulations or those subsequently adopted resolutions during the bathing season or at other times if specifically provided for. It shall be unlawful to:

- A. Bathe or swim from the beachfront except from the designated bathing beaches where boats and lifeguards are provided or to bathe or swim beyond a safe depth in the ocean as from time to time indicated or regulated by the lifeguards.
- B. Use a surfboard or raft of any kind or description except at locations designated by the lifeguards or City ordinance.
- C. Engage in surf fishing during bathing hours.
- D. Fail to obey immediately all orders, directions, whistles or other signals used by the lifeguards and police.
- E. Consume alcoholic beverages on the public beaches without proper approvals and permits from the New Jersey Division of Alcohol Beverage Control.
- F. Change clothes, dress, undress or otherwise disrobe, except for outer wraps.
- G. Sleep on the public beaches during any time between sunset and sunrise.
- H. Act in a loud, indecent, obscene or offensive manner so as to inconvenience others or otherwise disrupt and disturb the public peace and dignity within the beach areas defined..
- I. Climb upon, stand on or tamper with or handle the lifeguard boats or other equipment used by the lifeguards.
- J. Throw a bat or throw or catch a baseball, volleyball, football, basketball, softball or frisbee-type disc or engage in the playing of any games endangering the health and safety of others. This section shall not apply to the reasonable playing of catch with a soft rubber ball.
- K. Throw, place, deposit or leave any bottles, glass, crockery, sharp or pointed articles or things, paper, refuse or debris of any kind on the beaches.
- L. Hawk or peddle, sell or offer for sale any article, goods, wares or merchandise on the public beaches, except as permitted by Ventnor City Ordinance §173 or covered by state statute.
- M. Park vehicles, loiter, assemble, band or crowd together so as to interfere with or be likely to interfere with the ingress and egress of others at the street ends approaching the beaches.
- N. Drive or move any vehicle on the beach at any time during the entire year without a permit in writing issued by the Chief of Police.
- O. Permit any dogs or other animals on the beach in front of the waters adjacent thereto or upon any public walk contained on the beachfront within the City of Ventnor City, whether said dog is leashed or unleashed, except that dogs on a leash may be permitted on the beach between October 1 and May 15 in the area of the beach washed daily by the high tide at any time, and between May 16 and September 30 from 7 PM to 9 PM
- P. Start or maintain a fire or fires on the beach at any time without a permit from the Police and Fire Departments. Bonfires

shall only be permitted after hours and shall comply with the Uniform Fire Code. Applications for bonfire permits shall be accompanied with a \$250.00 fee, as well as a \$500.00 deposit, which shall be refunded so long as the area on which the bonfire is held is cleaned after use.

Q. Beach parties, which shall be defined as any gathering of fifteen (15) or more persons, and shall include any of the following: the preparation of food; set up/use of tents, canopies, shelters; set up/use of tables, party decorations or live music or disc jockeys, shall be permitted on Newport and Suffolk beaches from 9 AM – 11 PM, and on all other beaches from 9 AM-7 PM only. All beach parties shall comply with the provisions of this section as well as the requirements set forth in Ventnor City Ordinance §193. There shall be no requirement to comply with the requirements of this provision on "Free Beach Party Weekends" as may be announced by the Mayor's Office.

R. No bathing is permitted on unguarded beaches during hours of operation. Wading or bathing after hours of operation is at the sole risk of the individual.

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 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 19, 2015

PUBLICATION: March 23, 2015

PUBLIC HEARING &

ADOPTION April 16, 2015

ORDINANCE 2015-16 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 as follows: Section I. Chapter 193 Special Events shall be deleted in its entirety and replaced with the following:

Article I. Permits

§ 193-1. Legislative authorization.

The Board of Commissioners in the City of Ventnor City hereinafter authorizes the Board of Recreation to distribute and utilize a special event permit for:

- (1) any non-City sponsored exhibition, show, athletic contest, running race, bike-a-thon, entertainment, or other similar event sponsored by an organized group having a similar common purpose or goal; or any event held by an individual, and occurring on or proceeding along a public street, other public right-of-way, or public property, including parks or beaches, within the City of Ventnor; . A copy of said application is attached to this article. *Editor's Note: A copy of said application is on file in the City Clerk's office*.
- (2) any non-City sponsored exhibition, show, athletic contest, running race, bike-a-thon, entertainment, or other similar event sponsored by an organized group having a similar common purpose or goal; or any event held by an individual or individuals for a private purpose, and occurring on private property such that it may impact on public safety or City services;
- (3) any special event on City property sponsored by city government officials, departments, agencies, boards and commissions, provided, however, that unless otherwise directed by the Board of Recreation, such City entities shall not be required to pay the fees and charges set forth herein.

§ 193-2. Application for permit.

- A. The special events application must be filled out and received by the Director of Recreation of the City of Ventnor at least 60 days prior to the date upon which the event is proposed to commence. The application shall be disseminated to and reviewed by the Board of Recreation, Chief of Police, Chief of Fire Department, Director Code Enforcement, Director of Public Works, and Emergency Management Coordinator, or his/her designee. The review period for the aforementioned individuals shall be 15 days. At the meeting of the Board of Recreation immediately subsequent to the expiration of the 15 day review period, the Board of Recreation shall vote on the permit, based upon the recommendations of the aforementioned individuals. The Board of Recreation may waive the minimum 60 day filing period and accept an application filed no less than 30 days before the event, if, after due consideration of the date, time, place and nature of the special event, the anticipated number of participants, the City services required in connection with the event, and consultation with the Chief of Police determines that the waiver will not present a hazard to public safety. All applications are subject to approval as to feasibility by City departments when deemed necessary.
 - a. In addition to the health, safety, and welfare of the public, the standards for the issuance of a permit shall include but not be limited to:
 - i. The time, size and location of the special event will not disrupt, to an unreasonable extent, the movement of traffic throughout the City;
 - ii. Whether the special event is of a size or nature that would require the diversion of so great a number of police officers of the City that reasonable police protection would be denied to the City;
 - iii. The special event will not interfere with another event for which a Special Events Permit has already been issued:
 - iv. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or create a disturbance;
 - v. The conduct of the special event, or its location, will not interfere with the movement and response of fire fighters and their equipment, police or ambulance services;
 - vi. The time, size and location of the special event will not cause undue hardship to adjacent residences or businesses.
- B. The application for a special event shall set forth the following information:

- a. The name, address, and telephone number of the individual, organization or entity seeking to conduct such special event;
- b. The names, addresses and telephone numbers of the organization for which the special event is to be conducted, if any, and the authorized and responsible heads of the organization;
- c. If the purpose of the event includes fundraising for any charity or non-profit purpose, the name of the charity or non-profit organization, as well as a disclosure as to the percentage or amounts or proceeds to be raised from the special event to be donated to the charity after costs are deducted:
- d. A statement as to whether any admission or participation fee will be charged for the event and the amount thereof;
- e. The type of special event, including a description of activities planned during the event;
- f. The requested date and location of the special event;
- g. The hours when such special event will start and terminate;
- h. The estimated number of persons who will attend the special event;
- i. A statement as to whether the special event will occupy any portion of thoroughfare;
- j. A statement as to whether any music or amplified sound will be provided, including the location and types of all loud speakers and amplifying devices to be used as well as a concise statement of the type of communication that will be amplified;
- k. A designation of any public facilities or equipment to be utilized;
- 1. The type, size, description, and location of any signs to be erected in connection with the event;
- m. If buses are required to transfer passengers to the site of the permit area or if trucks are required for delivery to the site, written application, including license number, make and year of vehicle, must be submitted with said application.
- n. Portable toilets must be provided by the permittee. The application shall include copies of contracts for these services. If the event takes place within regular business hours, an on-site City employee attendee must be provided by the applicant to supervise public rest rooms at a rate to be charged in accordance with the current schedule of the Board of Recreation Commissioners.

§ 193-3. General Conditions

- A. All activities relating to permits granted under this article must be contained within the limits specified in the application for the special event.
- B. Any permit, including those for a one-day event, may include authority for a rain date if needed.
- C. A permit, if granted, is not transferable and is authorized solely as to the applicant for the event said application concerns.
- D. Vehicle permits for street parking must be obtained from the office of the Chief of Police.
- E. All persons who are granted permits must provide their own supervision and persons to clean up after the event.
- F. A meeting may be required with the Board of Recreation Commission prior to the issuance of the permit.
- G. To obtain permission to use a building, a permit must be obtained from the Ventnor City Board of Commissioners.
- H. If police security is required or determined to be necessary by the Chief of Police of the City of Ventnor, the applicant shall be required to pay for said police and security.
- I. If it is determined by the Board of Recreation that additional materials or personnel costs shall be required for the purpose of maintaining the general health, safety and welfare of attendees or participants in the special event or the community in general, the City reserves the right to require reimbursement of such costs. In addition, the City shall be entitled to reimbursement for actual costs for personnel, goods, equipment and/or services. If reimbursement is required, the permitee shall deposit with the City Clerk a sum of money to be determined by the Board of Recreation to be a reasonable estimate of the costs required. The City Clerk shall advise the applicant, in advance and in writing, as to when the deposit is required. Any balance due shall be provided within thirty (30) days of receipt of the bill. A refund will be provided upon verification of overpayment for staff, goods, equipment and/or services.
- J. Any and all beach parties shall comply with the requirements of this section, as well as the rules and regulations as established by resolution dealing with beach parties pursuant to Ventnor City Ordinance §72-6(Q).
- K. For any and all events where alcohol is to be served or dispensed, the applicant must obtain appropriate approvals and permits from the New Jersey Division of Alcoholic Beverage Control. No glass containers of any kind are permitted.
- L. For any and all events where food is to be prepared, served or dispensed, the applicant must obtain appropriate approvals and permits from the Atlantic County Board of Health. No open fires of any kind are permitted.
- M. If tents are required or amusements are being used, they shall be inspected by the appropriate local, state and federal agencies.
- N. Any authorized signs in connection with a properly approved special event shall be erected no earlier than two (2) weeks prior to the event and removed within 24 hours of the conclusion of the event.

§ 193-4. Prohibitions

- A Solicitation shall be prohibited.
- B. No vehicles are to be permitted on the Boardwalk.
- C. No special event permit shall authorize the sale or other distribution of an alcoholic beverage in any area of the beach leased from the City without the express prior written consent of the lessee.
- D. No special event permit shall authorize vending, other than one issued pursuant to Ventnor City Ordinance §173.

§ 193-5. Insurance and Indemnity Requirements

The City of Ventnor City shall require, as a condition of the issuance of a permit, and the organizer shall furnish evidence of a public liability insurance policy in an amount not less than one million dollars (\$1,000,000.00) combined single limit, per occurrence and in the aggregate, covering personal injury and property damage, issued by an insurance company authorized to do business in the State of New Jersey. The insurance policy shall be endorsed to the City of Ventnor City, with the City, its elected and appointed boards, officers, agents, and employees named as additional insured, and shall provide that any other insurance maintained by the City shall be in excess of and not contributing with, the insurance coverage provided to the City under the organizer's policy.

The organizer shall also be required to sign an indemnity agreement in a form approved by the Ventnor City solicitor which shall expressly provide that the organizer agrees to defend, protect, indemnify and hold harmless the City, its officers, employees and agents from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of the organizer, participants, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the organizer shall, at organizer's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the City, its officers, agents, participants or employees, and that the organizer shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the City, its officers, agents or employees as a result of the alleged acts or omissions of organizer or organizer's officers, agents, participants or employees in connection with the uses, events or activities under the permit.

§ 193-6. Fees

- A. Fees will be charged in accordance with the current schedule of Board of Recreation Commissioners.
- B. The following Ventnor City organizations shall be granted a waiver of all fees:
- (1) All houses of worship situated in Ventnor City.
- (2) All Ventnor City scout troops and/or packs.
- (3) All Ventnor City armed forces veterans' associations.
- (4) All Ventnor City sponsored events.
- (5) All Ventnor City governmental departments or employee associations.

§ 193-7. Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction thereof in the Municipal Court of Ventnor City, be punished by a fine no less than \$100 and not to exceed \$1000 or by a term not exceeding 90 days in the County jail 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.

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 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 19, 2015

PUBLICATION: March 23, 2015

PUBLIC HEARING &

ADOPTION April 16, 2015

AN ORDINANCE AMENDING CHAPTER 173 PEDDLING AND SOLICITING (ARTICLE I. SALES ON PUBLIC BEACHES AND BOARDWALKS) OF THE CODE OF THE CITY OF VENTNOR

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

Section I. Article I. Sales on Public Beaches and Boardwalks shall be deleted in its entirety and replaced with the following: Article I. Sales on City Owned Property, Public Beaches and Boardwalks:

§ 173-1. License required.

- A. No person shall hawk, peddle or vend ice cream or ice cream products of any nature or description on the public beaches in and along the oceanfront of the City of Ventnor City, except that a person qualifying under the provision of N.J.S.A. 45:24-9 et seq., and as hereinafter set forth, may hawk, peddle or vend ice cream on the public beaches after such person shall have obtained a license or permit from the Ventnor City Clerk as hereinafter provided.
- B. No person shall hawk, peddle or vend food, beverages, confections, goods, wares, merchandise or commodities of any nature or description on any City owned property or the public beaches in and along the oceanfront of the City of Ventnor City until after such person have obtained a license or permit from the Ventnor City Clerk as hereinafter provided.

§ 173-2. Use of sound devices prohibited; advertising

- A. No hawker, peddler or vendor to whom a license certificate shall be issued under this article shall use any sound device to attract the attention of prospective purchasers, nor shall be cry out his product for sale in a loud or offensive manner.
- B. No hawker, peddler or vendor, or any other person, to whom a license is granted under this article shall distribute, sell, give away or pass out any circulars, pamphlets, coupons, amusement tickets or any other tickets, admittances or any item or thing of similar nature, nor any toys, souvenirs or gimmick of any description whatsoever, to the public on or near the beach.

§ 173-2.1. Means of conveyance.

No person who is properly licensed hereunder shall hawk, peddle or vend any item on City owned property or the public beaches in and along the oceanfront in Ventnor City utilizing any means of conveyance for the transportation or carrying of said products, except by utilization of a container, box or carrier to be carried by the licensee with the use of a permanent affixed shoulder strap, or the use of a hand-pulled or pushed cart or wagon, the base of which shall not exceed 9 square feet and the height of which shall not exceed 4 feet, inclusive of wheel height. The use of any other means of conveyance including but not limited to vehicles and motorized vehicles or any other motorized apparatus equipment shall be strictly prohibited.

§ 173-3. Aiding in violation prohibited.

No person shall aid or abet any licensee in the business of hawking, peddling or vending in violation of the terms of this article.

§ 173-4. Application for license.

Before any license is granted, the applicant shall make application therefore in writing, under oath, on a form provided by the City Clerk. Said application shall be in duplicate; the original shall remain on file in said Clerk's office; and the copy thereof shall remain on file in the Police Department. Said application shall state:

- A. Full name of the applicant.
- B. Applicant's residence.

- C. All places where the applicant has resided for the three years preceding the date of application.
- D. Whether the applicant intends to sell, peddle or vend for himself/herself or is employed by some other person and, if the latter, the name and address of such employer.
- E. Whether such applicant has ever been convicted of a sex offense, whether such applicant is a registered on any sex offender registry in the United States, or whether such applicant is currently on probation or parole. If so, the applicant shall provide the name of the court in which said conviction took place as well as the date of said conviction.
- F. The place and period where and when the applicant has previously engaged in hawking, peddling or vending.
- G. A statement of the type or kind of item that the applicant intends to sell.
- H. Each applicant shall furnish a photograph taken within one year of the date of application, two inches by three inches in size, acceptable to the licensing officer, which photograph shall be securely attached to the license, if issued.
- I. The applicant shall submit a full set of fingerprints with his application.
- J. The applicant shall state whether he/she has a hawker's, peddler's or vendor's license issued by the County Clerk pursuant to the provisions of N.J.S.A. 45:24-9 et seq., the date of its issue and whether it is still in force.
- K. Whether the applicant has previously been granted a license by Ventnor under this ordinance and whether any such license has ever been suspended or revoked. If yes, the applicant shall state the date of licensing, date of revocation or suspension, and the reasons therefore.

§ 173-5. Investigation of application.

The City Clerk shall cause each application to be investigated before issuing a license, and he/she is hereby vested with the sole discretion as to granting or denying applications for licenses in accordance with the standards, rules and conditions herein set forth, all of which are designed solely to protect the public health, safety and general welfare.

§ 173-6. Grounds for issuance of license.

- A. No license shall be issued for the hawking, peddling or vending of ice cream or ice cream products, unless the City Clerk is satisfied that the applicant has met all conditions set forth herein, that applicant has not been convicted of a sex offense, is not registered on any sex offender registry, and is not currently on probation or parole, , is free from any infectious or contagious disease, as evidenced by the certificate of a physician licensed to practice medicine in the State of New Jersey, which certificate shall have been made within one week of the date of the application, and that the applicant is the holder of a valid subsisting hawker's and peddler's license issued by the County Clerk pursuant to N.J.S.A. 45:24-9 et seq.
- B. No license shall be issued for the hawking, peddling or vending of food, beverages, confections, goods, wares, merchandise or commodities of any nature or description, unless the City Clerk is satisfied that the applicant has met all conditions set forth herein, that applicant has not been convicted of a sex offense, is not registered on any sex offender registry, and is not currently on probation or parole, is free from any infectious or contagious disease, as evidenced by the certificate of a physician licensed to practice medicine in the State of New Jersey, which certificate shall have been made within one week of the date of the application, and that the applicant is applying for a license to vend, peddle or hawk during a special event, for which a permit has already been issued by the City of Ventnor City pursuant to Ventnor City Ordinance §193.

§ 173-7. Term of license; transferability.

- A. All licenses for the hawking, peddling and vending of ice cream or ice cream products issued pursuant to § 173-6(A) of this article shall be from the date of the adoption and final passage of this article and until October 15, 1956, and thereafter said licenses shall be for a period from May 15 to October 15 of said year. Any licenses issued hereunder shall not be transferable.
- B. All licenses for the hawking, peddling or vending of food, beverages, confections, goods, wares, merchandise or commodities of any nature or description issued pursuant to § 173-6(B) of this article shall be valid for the dates specified thereon and shall not exceed three (3) days. The license shall specifically relate to a special event for which a permit has been issued pursuant to Ventnor City Ordinance §193. The license shall only be valid for the location where the special event is to be held during the hours of operation of the special event. Any licenses issued hereunder shall not be transferable

§ 173-8. Fee.

The fee for such license shall be \$50.

§ 173-9. Display of badge; deposit.

Every licensee shall wear and prominently display, while engaged in hawking, peddling or vending, a badge issued by the City of Ventnor City upon the granting of the license, for which the licensee shall deposit the sum of \$5, which deposit will be returned to licensee upon the surrendering thereof, provided that in the event that said badge is not surrendered on or before December 31 of the year in which the same is issued and commencing with the year 1950 and each year thereafter, then said deposit shall be forfeited and shall become the property of the City of Ventnor City.

§ 173-10. Display of price.

Every licensee shall have prominently displayed on the container or carrier of the ware the price to be charged for each of said products, and licensee shall not charge more therefore than the price displayed.

§ 173-11. Clothing and equipment requirements.

The clothing worn by and the equipment used by licensees shall at all times be clean and sanitary, shall be subject to inspection by the Atlantic County Board of Health and shall fully comply with all ordinances, rules and regulations of Ventnor City and of the Atlantic County Board of Health.

§ 173-12. Sanitary conditions required; inspections.

The storage and distribution places of all ice cream, ice cream products, food and beverages sold by licensees shall be maintained in a clean and sanitary condition, shall be subject to inspection by the Atlantic County Board of Health of Ventnor City and shall fully comply with all ordinances, rules and regulations of Ventnor City and of the Atlantic County Board of Health.

§ 173-13. Suspension and revocation of license.

The City Clerk may, upon his/her own motion or upon complaint in writing of any person, investigate the conduct of any licensee and, after a hearing duly held on notice to the licensee, have the authority to suspend for the unexpired portion of the license period or for a less period or to revoke any license where the licensee, in attempting to exercise the privilege of the license, shall be guilty of any of the following:

- A. Disorderly conduct while in the course of hawking, peddling or vending.
- B. Any conduct which demonstrates dishonesty or moral turpitude.
- C. Making any false statement on the application for said license.
- D. Violating any of the provisions of this article.
- E. Knowingly selling products from a disapproved place.

§ 173-14. Hearing; suspension privileges.

The City Clerk, when in his/her judgment, deems the offense of the licensee to be detrimental to public health, safety or welfare, may summarily suspend the license therefore granted; provided, however, that the City Clerk grants a hearing to said licensee within 15 days after the suspension of said license. During the suspension period, the licensee shall not exercise any of the privileges granted by said license. The City Business Administrator shall serve as the hearing officer for any such hearing.

§ 173-15. Sale of certain products on Boardwalk prohibited.

No person shall hawk, peddle or vend any ice cream, ice cream products, food, beverages, confections, goods, wares, merchandise or commodities of any nature or description, nor shall any person solicit trade, upon the public Boardwalk in the City of Ventnor City, or upon any of the approaches thereto, except as permitted by a license issued pursuant to § 173-6(B).

§ 173-16. Certain practices prohibited.

It shall be unlawful for any person to hawk, peddle or vend alcoholic beverages or tobacco products on the public beaches or Boardwalk in and along the oceanfront of the City of Ventnor City.

§ 173-17. Number of licenses limited.

- A. The number of hawker's, peddler's and vendor's licenses issued pursuant to § 173-6(A) shall not exceed 16, which number is deemed adequate to meet the public need, is capable of supervision and prevents the creation of a public nuisance on the beaches of the municipality and the consequent hazards to the health, safety and welfare of persons using said beaches for health and recreation.
- B. The number of hawker's, peddler's and vendor's licenses issued pursuant to § 173-6(B) shall be determined by the Board of Recreation in conjunction with the issuance of a special events permit pursuant to Ventnor City Code §193.

§ 173-18. Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction thereof in the Municipal Court of Ventnor City, be punished by a fine no less than \$100 and not to exceed \$1,000 or by a term not exceeding 90 days in the City or county jail, 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.

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 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 19, 2015

PUBLICATION: March 23, 2015

PUBLIC HEARING &

ADOPTION April 16, 2015

AMENDING ORDINANCE 2015-02 ESTABLISHING 2015 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 Salary Ranges shall be amended to read as follows:

SALARY RANGE

DP CODE	TITLE	FROM	TO
01229	City Clerk	\$24,000	\$92,000

SECTION II. The following Titles shall be added:

	3	SALARY RANGE	
DP CODE	TITLE	FROM	TO
00627	Assistant Municipal Tax Collector	\$24,000	\$48,900
	Purchasing Assistant	\$24,000	\$26,900
	Beach Checker Supervisor	\$8.25/hr	\$10.00/hr

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

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

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

FIRST READING April 16, 2015

PUBLICATION April 20, 2015

PUBLIC HEARING &

ADOPTION May 7, 2015

AN ORDINANCE AMENDING ARTICLE XXI, IMPROVEMENT STANDARDS, CHAPTER 102-138 STREETS, CURBS AND SIDEWALKS OF THE DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF VENTNOR

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

Section I. Section 102-138, Streets, Curbs and Sidewalks subsection (B)(3) Curbs shall be amended by recommendation of the Ventnor City Planning Board on May 6, 2015 to read as follows:

<u>B.</u> (3) The maximum size of a residential driveway serving single-family and duplex lots shall be 10 feet and/or comply with the requirements of Section 102-118.6D for two driveways. All residential and duplex lot driveways shall be serviced only by depressed curbing. Depressed concrete curbing shall be depressed to the extent that 1 1/2 inches extends above the finished pavement. The rear top corner of this curb shall have a radius of 1/4 inch and the front top corner shall have a radius of 1 1/2 inches.

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 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 July 16, 2015

PUBLICATION July 20, 2015

PUBLIC HEARING &

ADOPTION August 20, 2015

AN ORDINANCE AMENDING CHAPTER 102-118.6 (D) OFF STREET PARKING REQUIREMENTS, LOCATION OF SPACES ON RESIDENTIAL LOTS, OF THE DEVELOPMENTAL REGULATIONS OF THE CODE OF THE CITY OF VENTNOR

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

Section I. Section 102-118.6 Off-street parking requirements; subsection (D), location of spaces on residential lots shall be amended by recommendation of the Ventnor City Planning Board on May 6, 2015 to include the following additional provision:

- (4) In order to create creative building styles and promote off street parking, two driveway accesses per residential dwelling lot may be permitted, providing all of the following requirements can be met:
 - (a) Lot must have at least 32 feet of frontage along the road right-of-way.
 - (b) Two driveway accesses (curb cuts), not exceeding nine feet each in depressed width, may be permitted.
 - (c) The driveways must be positioned so that the distance from the edge of the driveway to the nearest side property line meets the side yard setback requirements of the zoning district in which the subject lot is located.
- (d) No driveway depression shall be permitted within 25 feet of the established curbline of an intersecting street. For corner properties, the two driveway accesses must be along the same street.
 - (e) The required number of off-street parking shall be provided in accordance with §102.118.6A.

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 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 July 16, 2015

PUBLICATION July 20, 2015

PUBLIC HEARING &

ADOPTION August 20, 2015

AN ORDINANCE AMENDING SECTION 214 VEHICLES AND TRAFFIC, PART 1 TRAFFIC AND PARKING, ARTICLE XI SCHEDULES

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

Section I. Chapter 214-30. Schedule II. No Parking Certain Hours shall be amended as follows:

A. Add Burghley Avenue, East, from a point 171 feet south of Wellington Avenue to a point 212 feet south of Wellington Avenue, Monday through Friday, from 7:00 AM to 9:00 AM, and from 2:00 PM to 4:00 PM.

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 20, 2015

PUBLICATION August 24, 2015

PUBLIC HEARING &

ADOPTION September 17, 2015

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO *N.J.S.A.* 40A:4-53(b) TO FUND THE COSTS ASSOCIATED WITH THE EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY

BACKGROUND

WHEREAS, the City of Ventnor City, County of Atlantic, New Jersey ("City"), has determined that it is necessary to prepare and execute a complete program of revaluation of real property for use by the City Tax Assessor and the Atlantic County Board of Taxation ("Project"); and

WHEREAS, the amount to be appropriated by the City for the purposes described above is \$600,000, which amount shall be deemed a special emergency appropriation as defined and provided for in the Local Budget Law, *N.J.S.A.* 40A:4-1 *et seq.*; and

WHEREAS, it is the desire of the Board of Commissioners of the City to adopt an ordinance to create said special emergency appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY, PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

- Section 1. There is hereby appropriated, pursuant to *N.J.S.A.* 40A:4-53(b), the sum of \$750,000 for the Project, as further described in the preamble of this ordinance.
- Section 2. The appropriation of said \$600,000 for the Project as further described in the preamble of this ordinance shall be deemed a special emergency appropriation as defined, and provided for, in *N.J.S.A.* 40A:4-53(b).
- Section 3. Said emergency appropriation shall be financed from surplus funds currently available or from borrowed funds, pursuant to N.J.S.A. 40A:4-55; provided, however at least one-fifth $(1/5^{th})$ of said amount shall be included in each succeeding annual budget until the appropriation has been fully provided for.
- <u>Section 4.</u> A certified copy of this ordinance as finally adopted shall be filed by the City Clerk with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs.
- <u>Section 5.</u> All ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately upon final adoption in accordance with applicable law.

Date of Introduction: August 20, 2015

Publication August 24, 2015

Public Hearing &

Adoption September 17, 2015

CITY OF VENTNOR CITY, NEW JERSEY

ORDINANCE NO. 2015-23

BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR VARIOUS REPAIRS AND IMPROVEMENTS TO THE STORMWATER MANAGEMNT SYSTEM IN AND FOR THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY; APPROPRIATING THE SUM OF \$250,000 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 \$250,000 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 \$250,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$250,000.
- **Section 3.** The sum of \$250,000, 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").
- <u>Section 4.</u> The issuance of negotiable bonds of the City in an amount not to exceed \$250,000 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. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance (Project No. S340667-02) submitted by the City to said entities ("Application").
- 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 \$250,000 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 \$50,000.

<u>Section 7.</u> 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:

	Purpose/Improvement	Estimated Total Cost	Down <u>Payment</u>	Amount of Obligation	Period of <u>Usefulnes</u> <u>s</u>
A.	Supplemental Funding for Repairs and improvements to the City's stormwater management system including, but not limited to, infrastructure improvements, pump station repairs and check valve replacement, 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.	\$250,000	\$0	\$250,000	40 years

<u>Section 8.</u> 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 9. 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 \$250,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

<u>Section 10.</u> 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 <u>ad valorem</u> taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

<u>Section 11.</u> 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 12. 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 13. 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.
- <u>Section 14.</u> 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 15.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. 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: October 15, 2015

Date of Publication: October 20, 2015

Date of Public Hearing &

ORDINANCE OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR SEWER/UTILITY IMPROVEMENTS AND REAPPROPRIATING SUCH FUNDED AND UNFUNDED APPROPRIATION BALANCES FOR OTHER SEWER/UTILITY PROJECTS

BACKGROUND

WHEREAS, the City of Ventnor City, County of Atlantic, New Jersey ("City") duly and finally adopted Bond Ordinance 2011-09 ("Bond Ordinance") authorizing appropriations for various sewer/utility improvements; and

WHEREAS, the City, having completed the projects authorized under in Sections 7(B), (E) and (F) of the Bond Ordinance, has a remaining balance of \$295,871.00; and

WHEREAS, the City is desirous of canceling certain funded balances authorized pursuant to Sections 7(B), (E) and (F) of the Bond Ordinance and reappropriating them for the replacement of sewer and water mains.

NOW, THEREFORE, 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 following appropriations, remaining as a balance in the Bond Ordinance, are hereby cancelled:

		Amount of Funded		
	<u>Ordinance</u>	Appropriation to be Cancelled		
A.	Section 7(B)	\$243,988.58		
В	Section 7(E)	9,496.31		
С	Section 7(F)	42,386.11		
	Total:	\$295,871.00		

<u>Section 2</u>. The sum of \$295,871.00, which represents the funded appropriation cancelled in Section 1 hereof, is hereby reappropriated for the 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. (collectively, the "Improvements").

- **Section 3.** The period of usefulness of the Improvements referred to in Section 2, within the limitations of the Local Bond Law and according to the reasonable life thereof, is not less than forty (40) years.
- <u>Section 4.</u> The remaining funded and unfunded appropriation balances as authorized by the Bond Ordinance shall be unaffected by this ordinance and shall remain available for the uses set forth therein.
- <u>Section 5</u>. The Capital Budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail

of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and available for inspection.

<u>Section 6</u>. The Improvements authorized hereby are not current expenses and are general 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.

<u>Section 7</u>. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: October 15, 2015

Date of Publication: October 20, 2015

Date of Public Hearing &

ORDINANCE OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR BULKHEAD RECONSTRUCTION AND REAPPROPRIATING SUCH FUNDED APPROPRIATION BALANCES FOR RECONSTRUCTION AND RESTORATION OF VARIOUS GUTTERS, RAMPS AND ROADS

BACKGROUND

WHEREAS, the City of Ventnor City, County of Atlantic, New Jersey ("City") duly and finally adopted Bond Ordinance 2013-10 ("Bond Ordinance") authorizing appropriations for various general capital improvements; and

WHEREAS, the City, having completed the project described in Section 7(B) of the Bond Ordinance, has a remaining balance of \$226,396.00; and

WHEREAS, the City is desirous of canceling certain funded balances authorized pursuant to Section 7(B) of the Bond Ordinance and reappropriating them for the reconstruction and restoration of various gutters, ramps and roads.

NOW, THEREFORE, 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 following appropriation, remaining as a balance in the Bond Ordinance, is hereby cancelled:

Amount of Funded

Ordinance Appropriation to be Cancelled Section 7(B) \$226,396.00

A.

- <u>Section 2</u>. The sum of \$226,396.00, which represents the funded appropriation cancelled in Section 1 hereof, is hereby reappropriated for the 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 (collectively, the "Improvements").
- **Section 3.** The period of usefulness of the Improvements referred to in Section 2, within the limitations of the Local Bond Law and according to the reasonable life thereof, is not less than ten (10) years.
- <u>Section 4.</u> The remaining funded and unfunded appropriation balances as authorized by the Bond Ordinance shall be unaffected by this ordinance and shall remain available for the uses set forth therein.
- <u>Section 5</u>. The Capital Budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and available for inspection.

<u>Section 6</u>. The Improvements authorized hereby are not current expenses and are general 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 7. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

<u>Section 8</u>. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: October 15, 2015

Date of Publication: October 20, 2015

Date of Public Hearing &

AN ORDINANCE AMENDING CHAPTER 102-118.4 LANDSCAPING REQUIREMENTS IN THE DEVELOPMENTAL REGULATIONS OF THE CODE OF THE CITY OF VENTNOR

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

Section I. Section 102-118.4 Landscaping requirements shall be deleted in its entirety and replaced pursuant to the recommendations of the Ventnor City Planning Board's Recommendation on March 11, 2015 and as amended May 12, 2015 as well as the numerous Workshop discussions of the Ventnor City Commissioners with the following:

§ 102-118.4 Landscaping requirements:

- A. All areas not covered by roadways, parking areas, impervious walkway areas or buildings shall be landscaped with natural indigenous living landscaping materials. Native coastal vegetation should be utilized to the extent possible. A landscaping plan shall be submitted when landscaping is required in accordance with this section, indicating location, types, sizes and number of all landscaping materials to be installed.
- B. All landscaped areas shall be maintained regularly and replaced as needed. A schedule for maintenance, including specifications, methods and procedures to be utilized, shall be submitted with the landscaping plan submitted as a part of the site plan application.
- C. Privacy walls not to exceed five feet in height are permitted when designed in conjunction with berms and landscaping, pursuant to the rules and regulations of this article.
- D. All landscaping in parking areas shall be carefully located so as not to obstruct vision. Clear sight shall be provided at all street intersections and comply with the American Association of State Highway Transportation Officials (AASHTO), "A Policy on Geometric Design of Highways and Streets 20116th Edition."
- E. Landscaping materials should conform to the Plant Species List Appendix A to the maximum extent practicable, included as an attachment to this chapter.
- F. Deciduous and street trees shall have a caliper of at least 2 inches and be 8 feet to 10 feet in height at planting, and evergreen trees shall be at least six feet tall unless otherwise specified. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen. Plantings should be consistent with the "Tree Plan for Ventnor City dated August 2014."
- G. A "governor's strip" shall be optional. If a governor strip is installed it shall be of pervious material and maintained between the sidewalk line and the curbline. All development shall provide this grass strip if previously removed. If front street trees are placed in the curb strip, the cut-out for the trees shall be a minimum of three feet wide by the width of the strip. The minimum width of the "governor's strip" shall be 3 feet or match that width of any existing abutting grass strips if wider.
- H. Any landscaping which, within two years of planting, dies for any reason shall be replaced by the developer(s) or by the current owner at their sole expense.
- I. Impervious materials shall not be used in any landscape area. Weed-retardant mulch, porous nonwoven synthetic landscape fabric or other materials may be used.
- J. Vegetative ground cover is encouraged. Stone mulch may be used in landscaping beds if less than 10% of the required front landscaping area and not more than 10% of the total lot landscaping.
- K. Any new plantings of bamboo are prohibited. For existing bamboo plantings, the homeowner is responsible for growth that may intrude into the neighbor's property or harm or destroy the neighbor's structures or site improvements. Code Enforcement may require complete or partial removal of all bamboo stands if the intrusion

recurs or harm/destruction occurs.

- L_The following principles shall be considered:
 - 1. Landscaping shall be located to provide for climate control.
 - 2. Landscaping shall be used to accent and complement buildings.
 - 3. Landscaping shall be provided in public areas, parking areas, recreation sites and adjacent to buildings.
 - 4. Vines and climbing plants may be considered for large expanses of wall.
 - 5. Massing trees may be considered at critical points.
 - 6. Smaller trees shall be used on narrow streets.
 - 7. Ground cover shall be used to prevent erosion.
 - 8. A variety and mixture of landscaping shall be provided. Consideration shall be given to susceptibility to disease, colors, season, textures, shapes, blossom and foliage in selecting species.
 - 9. Local soil conditions and water availability shall be considered in the choice of landscaping.
 - 10. Existing trees located within 10 feet of any street right-of-way shall be maintained unless shown to be removed as part of an approved plan. The existing grade within that space shall not be disturbed without such approval.
 - 11. The impact of any proposed landscaping plan at various time intervals shall be considered. Shrubs may grow and eventually block sight distances. Foundation plants may block out buildings.
 - 12. Existing large trees (more than six-inch caliper) shall be saved by not varying the grade around the trees by more than six to 12 inches, by construction of tree wells and by erecting protective fences.
- M. For all new construction, substantial improvement, raising of dwellings to meet minimum flood height requirements or applications for variance, the following minimum standards shall apply for residential development:
 - (1) Trees. The planting of trees are optional. Two trees may be planted per frontage. For multifamily dwellings one tree per unit may be planted. For duplex and two-family units, two trees may be planted per frontage. A suggested list of tree species is detailed in the Plant Species List Appendix A. Trees shall be located only in the front of the house and shall be no closer than 25 feet to the street corners and comply with AASHTO sight requirements.
 - (2) Yards. All residential lots shall have a minimum of 25% of the lot area landscaped, of which, 5% of the lot area must be provided in the front yard. All areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall be suitably landscaped. No landscaping shall interfere with required AASHTO sight requirements. Such landscaping minimum of 25% may be reduced to the minimum extent required to accommodate stairs, steps, ADA-compliant ramps and related elements providing access to the first floor necessary to conform to the lowest floor requirements. In no case, however, shall such percentage be lower than 20% of the lot. Grass or other natural ground cover may be used. Use of natural ground cover material other than sod shall be permitted. Minimum spacing at time of planting shall be six inches on center.
 - (3) Shrubs:
 - (a) The number of shrubs required for each property shall be governed by lot width which shall require one (1) shrub for every two (2) feet of lot width. Fifty percent (50%) of the total number of shrubs shall be planted in

the front of the property with the balance on the sides and in the back.

- (b) A property owner may reduce the number of shrubs set forth in paragraph (M)(3)(a) above by planting a tree. For each tree planted, the amount of shrubs may be reduced by two (2) shrubs from the total number of lot width.
- (c) A property owner may reduce the number of shrubs set forth in paragraph (M)(3)(a) above by planting a governor's strip. If the party plants a governor's strip, three (3) shrubs may be reduced from the total number required for the lot width.
 - (d) The plantings between the principal structure and the front property line detailed herein may be reduced to the minimum extent required to accommodate stairs, steps, ADA-compliant ramps and related elements providing access to the first floor necessary to conform to the lowest floor requirements.
- (4) Buffers. In townhouses, garden apartments and high-rise developments, there shall be a perimeter buffer of eight feet and a similar buffer between parking areas and all streets. Such buffers shall consist of natural landscaping materials, i.e., cedar or similar wood, and shall include both ground cover and alternating rows of evergreen of at least four feet in height and spaced not greater than eight feet apart in each row, when planted, except within 10 feet of street corners where evergreens of not more than three feet in height shall be planted.
- (5) Parking areas. Common parking areas provided for residential areas shall be landscaped. Buffer areas of four feet minimum width shall be provided along the perimeter of said parking areas and shall consist of an effective combination of ground sculpturing and berms, trees, ground cover and shrubbery. At least 10% to 15% of common parking areas shall be landscaped, and a minimum of one tree with a minimum caliper of three inches for each five parking spaces shall be provided. The landscaping shall be located along walkways, in center islands and in all irregularly shaped areas not used for parking and shall be bordered by brick, Belgian block or other natural materials and shall be carefully located so as not to obstruct vision.
- N. The following minimum standards shall apply for mixed use commercial/residential development:
 - (1) Trees. A minimum of two trees per each dwelling unit and commercial or office establishment shall be planted. An effective tree planting program shall be provided in all plazas and public areas contained within the center. Tree grates shall be provided for all trees located in paved or textured areas.
 - (2) Parking areas. Common parking areas provided for the center shall be landscaped. Buffer areas of four feet minimum width shall be provided along the perimeter of said parking areas and shall consist of an effective combination of ground sculpturing and berms, trees, ground cover and shrubbery. Breaks for pedestrian access may be located in said buffer, provided that the access way is surfaced with brick, Belgian block or other paving block materials and shall not exceed six feet in width. At least 10% to 15% of common parking areas shall be landscaped, and a minimum of one tree for each five parking spaces shall be provided. The landscaping shall be located along walkways, in center islands and in all irregularly shaped areas not used for parking and shall be bordered by brick, Belgian block or other natural materials and shall be carefully located so as not to obstruct vision.
 - (3) Shrubs. Each lot's open space not covered with permissible impervious lot coverage or building coverage shall be completely landscaped with evergreen and deciduous shrubs indigenous to the area. Every effort should be made to create a natural landscaping environment with the impression of completeness at the time of planting. All deciduous shrubs shall be a minimum of three feet to 3 1/2 feet in height at time of planting. Large evergreen shrubs for hedge planting shall be 2 1/2 feet to three feet in height at time of planting, and small evergreen shrubs shall be 18 inches to 24 inches in height at the time of planting.
 - (a) The number of shrubs for each property shall be governed by the lot width which shall require one (1) shrub for each two (2) feet of lot width.
 - (b) A property owner may reduce the number of shrubs set forth in paragraph (N)(3)(a) above by planting a

tree. For each tree planted, the amount of shrubs may be reduced by two (2) shrubs from the total number of lot width.

- (c) A property owner may reduce the number of shrubs set forth in paragraph (N)(3)(a) above by planting a governor's strip. If the party plants a governor's strip, three (3) shrubs may be reduced from the total number required for the lot width.
- (d) The plantings between the principal structure and the front property line detailed herein may be reduced to the minimum extent required to accommodate stairs, steps, ADA-compliant ramps and related elements providing access to the first floor necessary to conform to the lowest floor requirements.
- O. The following minimum standards shall apply for senior citizen housing:
 - (1) Trees. A minimum of one tree for each two dwelling units shall be planted.
 - (2) Buffers. For senior citizen housing, buffers shall be provided along parking areas at a minimum of four feet wide, consisting of evergreen trees and deciduous plants and shrubs. Perimeter buffers shall be eight feet wide and shall consist of evergreen trees of four feet minimum height at time of planting placed six feet apart with smaller plant material in between.
 - (3) Parking areas. For senior citizen housing, landscaping shall be located along walkways, in center islands and in all irregular spaces not used for parking. All landscaping shall be bordered by natural materials and maintained regularly.
- P. The following minimum standards shall apply to commercial district development:
 - (1) Two trees for each 1,000 square feet of floor area in accordance with the planting schedule.
 - (2) Where a commercial district use abuts a residential area, a three-foot buffer of evergreen trees, a minimum of four feet in height at planting, five feet apart, shall be provided.
 - (3) In a Design Commercial District, all perimeter setbacks shall have a buffer strip eight feet wide, consisting of trees of a minimum height of eight feet at planting, placed in double alternating rows, eight feet on center in each row, with smaller evergreens or deciduous plant material in between. The only exception to this requirement shall be ingress and egress lanes and five feet to each side of such lanes.
 - (4) In an open parking lot for more than 100 cars, an internal planted buffer of four feet shall be provided every 70 feet. This buffer shall be planted with trees, evergreens and deciduous plant material.
- Q. Street trees may be required to substitute for on-site planting where it is determined by the Planning Board, Zoning or Construction Official to be more desirable or necessary as a result of inadequate on-site area for installation, in which case trees shall be set back 36 inches from the curbline and shall be spaced 12 feet apart. The area immediately surrounding the tree base shall be covered with paving bricks or other natural porous material. The Planning Board may change this requirement to a different planting requirement during site plan review if adequate pedestrian clearance results.
- R_Unless otherwise regulated by this section, all conditional uses shall be required to provide side and rear yard buffer strips that consist of evergreen trees of a minimum height of four feet at planting, placed in double alternating rows, eight feet on center in each row, with smaller evergreens or deciduous plant material in between.
- S. For any property owner who is raising their home to meet the necessary flood elevation requirements they shall be given twenty-four (24) months in which to complete their landscaping plan that was approved pursuant to their permits or Planning or Zoning Board Decision and Resolution. Upon the conclusion of the twenty-four (24) months, property owners shall be required to complete their plan, failure to do so will result in a written warning providing thirty (30) days' notice to correct the violation. Failure to abide the thirty (30) day notice, the City of Ventnor shall have the right to file an ordinance violation against the property owner. Any violation of this provision of this article shall be subject to prosecution in the Ventnor City Municipal Court and shall be subject to

a fine for the first violation in the amount of \$100 and thereafter for each additional violation up to \$1000.

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 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.

Date of Introduction: October 15, 2015

Date of Publication: October 19, 2015

Date of Public Hearing &

Appendix A Plant Species List

The following is a list of recommended plant materials. Many of these plants have proved to be durable selections under the most adverse urban conditions in the northeast regions. Consequently, they have been assembled in an effort to provide the property owner with a flexible plant palette.

Street Trees (Appropriate for planting within the right-of-way and on-site) (Deciduous)

American Basswood, Tilia Americana

Black Gum

Japanese Pagoda Tree

Ginko biloba, Male fruitless varieties to be provided only.

Ginko b. "Magyar Ginko" Male fruitless varieties to be provided only.

American Elm

Smaller Street Trees (Appropriate for planting, onsite, beach block, within the right-of-way and under utility wires) (Deciduous)

Redbud (Cercis Canadensis)

Sassafrass (Sassafras albidum)

Persimmon (Diospyros virginiana)

Post oak (Quercus stellata)

Black cherry (Prunus serrotina)

Kwanzan Cherry

Village Green Zelkova

Hedge Maple

Hornbeam

Large Trees (Deciduous)

White oak, (Quercus alba)

Southern Red oak (Quercus falcata)

Red Maple species and cultivars (e.g., October Glory, Autumn Sunset)

Hackberry (Celtis occidentalis)

Black walnut (Juglans nigra)

Mockernut hickory (Carya tomentosa)

Pignut hickory (Caraya glabra)

Green Ash (Fraxinis pennsylvanica)

American Elm (Ulmus Americana)

Chinese Elm

Sycamore

Bloodgood Variety London Planetree

Sawtooth Poplar (populous grandidentata)

Quaking aspen (populous tremuloides)

Sweetgum

Ornamental Trees (Deciduous)

Paw paw (Asimina triloba)

Sweetbay Magnolia

Swamp Magnolia

Shadblow Serviceberry

Red bud (Cercis canadensis)

River Birch

Gray Birch

Yellow Birch

Crabapple(Pyrus angustifolia)

Lilac

Washington Hawthorne

Evergreen Trees

Eastern Red Cedar

American Holly

Pitch Pines

White Pine

Virginia Pine

Colorado Spruce Nellie Stevens Holly American Arborvitae Leyland Cypress Hollywood Juniper

Shrubs (Large/Deciduous)

Bayberry

Sand Cherry

Beach Plum

Hydrangea

Peegee

Oakleaf

Blackhaw Viburnum

Arrow Wood Viburnum

Chokeberry

Fragrant Sumac

Smooth Sumac

Winged sumac

Witchhazel

Clethera

Shrubs (Small/Deciduous)

Early low blueberry

Blue huckleberry

Virginia Rose

Groundsel Bush

Winterberry holly

Memorial Rose

Cotoneaster Species

Spirea

Bush Cinquefoil

Glossy Abelia

Shrubs (Large/Evergreen)

Japanese Holly

Densiformis Yew

Swamp azalea

P.J.M. Rhododendron

Great laurel

Chinese Holly

Blue Hollies

Cherry Laurel

Mountain Laurel

Shrubs (Small/Evergreen)

Inkberry Holly

Azaleas

Leucothoe

Mugho Pine

Bayberry

Skimmia

Gaultheria

Ground covers

Goldenstar

Swamp dewberry

Phlox

Sheep laurel

Teaberry

Carolina rose

American cranberry

Partridgeberry

Pine barrens false heather Purpleleaf Wintercreeper Sweetfern

Perennials

Black-eyed Susans Lily turf, evergreen Coreopsis Hostas Asters Astilbe Goldenrods Bonesets

INVASIVE EXOTIC PLANTS

The following list is a partial list of exotic plants known to be invasive in parts of the Mid-Atlantic region. None of the following should be planted. We recommend consulting an expert about removing any of the following from your site. This list has been further modified to include emphasis on invasive species common to Ventnor City, NJ.

TREES

Mimosa (Albizia julibrissin)
Norway Maple (Acer platanoides)
Sycamore maple (Acer pseudoplatanus)
Tree of heaven (Ailanthus altissima)
Russian olive (Eleagnus angustifolia)
Autumn olive (Eleagnus umbellata)
White mulberry (Morus alba)
Empress tree (Paulownia tomentosa)
Sweet Cherry (Prunus avium)
White poplar (Populus alba)
Crack Willow (Salix fragilis)

SHRUBS

Japanese barberry (Berberis thunbergii)
Winged euonymous (Euonymous alatus)
Rose of Sharon (Hibiscus syriaca)
Privet (Ligustrum obtusifolium)
Bush honeysuckles (Lonicera spp.)
Common buckthorn (Rhamnus cathartica)
European buckthorn (Rhamnus frangula)
Multiflora rose (Rosa multifora)
Japanese spirea (Spirea japonica)

VINES

Porcelain berry (Ampelopsis brevipendunculata)
Oriental bittersweet (Celastrus orbiculata)
Climbing euonymous (Euonymous fortunei)
English ivy (Hedera helix)
Japanese honeysuckle (Ionicera japonica)
Mile a minute vine (Polygonum perfoliatum)
Kudzu (Pueraria lobata)
Periwinkle (Vinca minor)
Japanese wisteria (Wisteria floribunda)

HERBACEOUS PLANTS

Yarrow (Achillea millefolium)
Five leaf Akebia (Akebia quinata)
Bugle (Ajuga reptans)
Garlic mustard (Alliara petiolata)
Dusty miller (Artemisia stelleriana)
Giant reed (Arundo donax)
Asiatic sound sedge (Carex frutescens)

Spotted knapweed (Centaurea maculosa)

Lamb's quarters (Chenopodium album)

Mexican tea (Chenopodium ambrosioides)

Ox eye daisy (Chrysanthemum leucanthemum)

Canada thistle (Cursium arvense)

Bull thistle (Cursium vulgare)

Asiatic dayflower (Commelina communis)

Crown vetch (Coronilla varia)

Queen Anne's lace (Daucus carrota)

Jimsonweed (Datura stramonium)

Deptford pink (Dianthus armeria)

Chinese yam (Dioscorea batatas)

Prickly lettuce (Lactuca scariola)

Everlasting pea (Laphyrus latifolius)

Chinese lespedeza (Lespedeza cuneata)

Tiger lilly (Lillium tigrinum)

Evening Lychnis (Lychnis alba)

Purple loosestrife (Lythrum salicaria)

Spearmint (Mentha spicata)

Eulalie (Microstegium vimineum)

Anilities (Murdannia keisak)

Star of Bethlehem (Ornithogalum umbellatum)

Beafsteak plant (Perilla frutescens)

Common reed (Phragmites australis)

English plantain (Plantago lanceolata)

Japanese knotweed (Polygonum cuspidatum)

Prince's feather (Polygonum orientale)

Ladies thumb (Polygonum persicaria)

Slender glasswort (Salicornia europaea)

Bouncing bet (Saponaria officianalis)

Bittersweet nightshade (Solanum dulcamara)

Common nightshade (Solanum nigrum)

Johnson grass (Sorgum halepense)

Rabbit's foot clover (Trifolium arvense)

Red clover (Trifolium pratense)

White clover (Trifolium repense)

Common mullein (Verbascum thapsus)

Moth mullein (Verbascum blattaria)

References:

Maryland Native Plant Society, P.O. Box 4877, Silver Spring, MD 20914 Virginia Native Plant Society, P.O. Box 844, Annandale, VA 22003 Ventnor Environmental Research Group.

ORDINANCE NO. 2015-27

ORDINANCE AMENDING BOND ORDINANCE 2014-27 OF THE CITY OF VENTNOR CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY

WHEREAS, on November 20, 2014, the City of Ventnor City, County of Atlantic, New Jersey ("City") duly and finally adopted Bond Ordinance 2014-27 ("Bond Ordinance"), authorizing the Completion of Various Capital Improvements and the Acquisition of Various Capital Equipment ("Prior Improvements"); and

WHEREAS, the City is desirous of amending the Bond Ordinance to expand the authorized purposes under Section 7, thereby authorizing various repairs and improvements to the roadways throughout the City.

NOW, THEREFORE, 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 of the Bond Ordinance is hereby amended and restated to provide as follows:

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:

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligation	Period of <u>Usefulnes</u>
	<u> p 0.50, 2p. 0 / 0</u>	10001 0000	<u>- w.,</u>	<u>S</u>	<u>S</u>
A.	Renovations and Improvements to Various City Buildings including, but not limited to, the City Library and Municipal 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	\$600,000	\$30,000	\$570,000	15 years
В.	Acquisition of a Ladder Truck for the City Fire Department, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$1,000,000	\$50,000	\$950,000	10 years
C.	Demolition of Buildings 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	100,000	5,000	95,000	15 years
D.	Acquisition of Various Pieces of Equipment for Public Safety including, but not limited to, Security Access Door System, License Plate Reader Traffic and Traffic Sign Boards, together with the acquisition of all materials and equipment and completion of	150,000	7,500	142,500	5 years

	Purpose/Improvement	Estimated Total Cost	Down <u>Payment</u>	Amount of Obligation	Period of Usefulnes
	all work necessary therefor or related thereto.			<u>\$</u>	<u>s</u>
E.	Acquisition of Four Wheel Drive Sport Utility Vehicles for the Beach Patrol, Construction and Maintenance Department and Police Department, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto.	200,000	10,000	190,000	5 years
F.	Repairs and Improvements to Various Roads throughout 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 Engineer	200,000	10,000	190,000	5 years
	Total	\$2,250,000	\$112,500	\$2,137,500	

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

"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 10.33 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.

Date of Introduction: November 19, 2015

Date of Publication: November 24, 2015

Date of Public Hearing &

Adoption December 17, 2015

AN ORDINANCE AMENDING CHAPTER 143 LAND USE PROCEDURES REGARDING THE CREATION OF A NINE-MEMBER PLANNING BOARD PURSUANT TO N.J.S.A. 40:55D-25(C) OF THE CODE OF THE CITY OF VENTNOR, COUNTY OF ATLANTIC., STATE OF NEW JERSEY

WHEREAS, the City of Ventnor City of the County of Atlantic and the State of New Jersey qualifies under N.J.S.A. 40:55-25(C) for a Planning Board to exercise the powers of the Zoning Board of Adjustment and to have nine members; and

WHEREAS, the City of Ventnor City Planning Board current consists of a nine member board and the City of Ventnor Zoning Board of Adjustment consists of seven members; and

WHEREAS, the purpose of the Ordinance is to consolidate the Zoning Board of Adjustment and the Planning Board and to exercise the option provided by the aforesaid statutory authority;

BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City that the following Sections of Chapter 143 are hereby amended and supplemented as follows:

Section I. Chapter 143-1 Establishment; Composition. There is hereby established pursuant to N.J.S.A. 40:55D-1, et. seq. in the City of Ventnor a Planning Board of nine members consisting of the following four classes:

- (a) Class I: The Mayor.
- (b) Class II: One of the officials of the City of Ventnor, other than a member of the City Commissioners, to be appointed by the Mayor.
- (c) Class III: A member of the City Commissioners to be appointed by the City Commissioners.
- (d) Class IV: Six other citizens of the City to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment except that one member may be a member of the Board of Adjustment. Not more than one Class IV member may be a member of the Board of Education. For purposes of this section, membership on a City Board or Commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered holding of City office.
- (e) Alternate members: Four alternate members shall be appointed and shall meet the qualifications of Class IV members. Alternate members shall be appointed for a term of two years, and at the time of their appointments shall be designated Alternate No. 1 and Alternate No. 2, respectively. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

Section II. Chapter 143-7 Powers and Duties of the Planning Board shall be amended to add the following Sections:

- (J) The City of Ventnor City hereby exercises the option provided by N.J.S.A.40:55D-25(C). The Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers and duties of the Board of Adjustment; where the Class I and Class III members shall not participate in the consideration of applications for development which involves relief pursuant to N.J.S.A.40:55D-70(d).
- (K) Whenever relief is requested pursuant to this Subsection, notice of a hearing on the application shall include reference to the request for variance or direction for issuance of a permit and the case may be.

Section III. Chapter 143, Article II, Zoning Board of Adjustment shall be amended to delete the heading Zoning Board of Adjustment and to add the heading Planning Board to exercise the powers of Zoning Board of Adjustment.

Section IV. Chapter 143-13 through Chapter 143-16 are hereby repealed and replaced with the following:

- §143-13. The City of Ventnor City hereby exercises the option provided by N.J.S.A. 40:55D-25(C) and accordingly the City of Ventnor City Zoning Board of Adjustment is terminated and is no longer a municipal agency.
- §143-14. For purposes of implementing the exercise of said option, the term Planning Board shall be substituted for the term Zoning Board of Adjustment or equivalent in each and every instance Zoning Board of Adjustment or equivalent appears in the any City of Ventnor City Ordinance, Resolution, or Regulation.
- §143-15. Where the substitution of Planning Board for Zoning Board of Adjustment or equivalent results in an apparent duplication, redundancy, or conflict in any Ordinance, Resolution or Regulation, the same shall be liberally construed and interpreted to implement the option provided by N.JS.A. 40:55D-25(C) whereby the Planning Board replaces and performs all functions of the Zoning Board of Adjustment.

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

Section VI. Should any section, sub-section, clause, sentence phrase, provision or application of the Ordinance be declared unconstitutional or held invalid by a Court of competent jurisdiction, such a decision shall not affect, impair, or invalidate the remaining portions of this Ordinance.

Section VII. This Ordinance shall take effect on final passage, approval and publication.

Date of Introduction: November 19, 2015

Date of Publication: November 23, 2015

Date of Public Hearing &

Adoption December 17, 2015