

2016 ORDINANCES PENDING & ADOPTED

ORDINANCE NUMBER		DATE PUBLIC HEARING & ADOPTION
2016-01	COUNTY FORECLOSED HOME REGISTRY	02.18.16
2016-02	AMEND CHP 217, ARTICLE III - SET PARKING PERMIT FEES	02.18.16
2016-03	2016 SALARY ORDINANCE	03.17.16
2016-04	COLA	03.17.16
2016-05	AMEND CHP 102-118.7(10), POLITICAL SIGNS (NOT ADOPTED)	
2016-06	AMEND CHP 214 TIME LIMIT PARKING LITTLE ROCK (BEACH BLOCK)	04.21.16
2016-07	AMEND 220-14A, WATER USAGE FEES	06.16.16
2016-08	AMEND CHP 217-19.1 MOVE HANDICAPPED PARKING SPACES AT CITY HALL FROM CAMBRIDGE AV TO ATLANTIC AV	07.21.16
2016-09	AMEND CHP 214-32. TIME LIMIT PARKING TO ADD 15 MIN PARKING ON CAMBRIDGE AV (AT CITY HALL)	07.21.16
2016-10	AUTHORIZE SALE OF 113 N NEWPORT TO CONTIGUOUS OWNER	07.21.16
2016-11	AMEND SALARY ORDINANCE (DELETE MANAGEMENT SPECIALIST)	08.18.16
2016-12	CREATE CHP 107 – DRONES	08.18.16
2016-13	AMEND CHP 165-5, AMEND DEFINITIONS OF “SUBSTANTIALLY DAMAGED” & “SUBSTANTIALLY IMPROVED PROPERTY”	10.20.16
2016-14	AMEND CHP 197 – REVOCABLE LICENSES FOR RESIDENTIAL ENCROACHMENTS	09.15.16
2016-15	AMEND CHP 171-7, HOURS OF CONSTRUCTION	09.15.16
2016-16	AMEND CHP 156, 4 B. (4) & (5) TO BE CONSISTENT CONSTRUCTION HR IN ORD 2016-15	10.20.16
2016-17	AMEND CHP 197 STREET OPENING MORATORIUM RELIEF	

ORDINANCE 2016-01

AN ORDINANCE AMENDING CHAPTER 179, PROPERTY, VACANT AND FORECLOSING, REGARDING REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF ABANDONED REAL PROPERTY WITHIN THE MUNICIPALITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE, OF THE CODE OF THE CITY OF VENTNOR AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HERewith

WHEREAS, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

WHEREAS, the City of Ventnor City (hereinafter referred to as "Municipality") recognizes an increase in the number of vacancies and abandoned properties located throughout the Municipality; and

WHEREAS, the Municipality is challenged to identify and locate owners or foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, the Municipality finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetics; and

WHEREAS, the Municipality has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Municipality desires to amend the Municipality's Code in order to participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Community Champions Corporation that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures; and

WHEREAS, the Municipality has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned and vacant properties located within the Municipality; and

WHEREAS, upon passage, duly noticed public hearings, as required by law will have been held by the Municipality, at which public hearings all residents and interested persons were given an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE MUNICIPALITY OF CITY OF VENTNOR CITY:

SECTION I. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof;

SECTION II. That the Ventnor City Commission hereby amends Ventnor City's Code, Chapter 179 by creating Article II entitled "Abandoned Real Property," to read as follows:

CHAPTER 179, ARTICLE II. ABANDONED REAL PROPERTY

SECTION 179-9. PURPOSE AND INTENT

It is the purpose and intent of the Municipality to establish a process to address the deterioration and blight of Municipality neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the Municipality, and to identify, regulate, limit and reduce the number of abandoned properties located within the Municipality. It is the Municipality's further intent to participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Community Champions Corporation as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate

maintenance and security of abandoned and foreclosed properties.

#### SECTION 179-10. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned Real Property – means any real property located in the Municipality, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the Lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the Lender, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

Accessible Property/Structure - means a property that is accessible through a comprised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

Applicable Codes - means to include, but not be limited to, the Municipality's Zoning Code, the Municipality's Code of Ordinances ("Municipality Code"), and the New Jersey Building Code.

Blighted Property - means:

- a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
- c) Properties cited for a public nuisance pursuant to the Municipality Code; or
- d) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the Municipality and Zoning Codes.

Enforcement Officer - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Municipality to enforce the applicable code(s).

Owner - means any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

Property Management Company - means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

Vacant - means any building or structure that is not legally occupied.

#### SECTION 179-11. APPLICABILITY

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Municipality above and beyond any other state, county or local provisions for same.

#### SECTION 179-12. ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section 179-9, the Municipality or designee shall participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Community Champions Corporation cataloging each Abandoned Property within the Municipality, containing the information required by this Article.

#### SECTION 179-13. REGISTRATION OF ABANDONED REAL PROPERTY

- (a) Any mortgagee who holds a mortgage on real property located within the Municipality of Ventnor City shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the Division of Code Enforcement, or designee, on forms or website access provided by the Municipality, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- (b) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.

- (c) Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- (d) A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration.
- (e) All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Municipality and/or its authorized designee.
- (f) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- (g) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.
- (h) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- (i) Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.
- (j) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Municipality may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

#### SECTION 179-14. MAINTENANCE REQUIREMENTS

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- (d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in accordance with Chapter 86 (which incorporates the provisions of Sections 89, 98, 110, 122, 132, 138, 158, 178 and 197) of the Municipality of Ventnor's City's Code of Ordinances. Pursuant to a finding and determination by the Municipality's Code Enforcement Officer/Board, Hearing Officer/Special Magistrate or a court of competent jurisdiction, the Municipality may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s).

#### SECTION 179-15. SECURITY REQUIREMENTS

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.
- (c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this article, and any other applicable laws.

**SECTION 179-16. PUBLIC NUISANCE.**

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Municipality.

**SECTION 179-17. PENALTIES; SCHEDULE OF CIVIL PENALTIES.**

Any person who shall violate the provisions of this article may be cited and fined as provided in Chapters 86 (which incorporates the provisions of Sections 89, 98, 110, 122, 132, 138, 158, 178 and 197) of the Municipality of Ventnor City Code of Ordinances and New Jersey Statutes, N.J.S.A. 55:19-78 et. seq. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these sections as it may be amended. The descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the Municipality Code sections, except to the extent that different types of violations of the Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this section, regardless of whether all activities prescribed or required are described in the "Description of Violation" column. To determine whether a particular activity is prescribed or required by this Code, the relevant Municipality Code section(s) shall be examined.

Description of Violation	Civil Penalty
Failure to register abandoned real property on annual basis and/or any violation of the sections stated within.	\$500.00

**SECTION 179-18. INSPECTIONS FOR VIOLATIONS**

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the Municipality's Code Enforcement Division within forty-five (45) days for a final courtesy inspection report.

**SECTION 179-19. ADDITIONAL AUTHORITY**

(a) If the enforcement officer has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health safety and welfare, the code enforcement officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before the Municipality's code enforcement board or code enforcement special magistrate as soon as possible to address the conditions of the property.

(b) The Code Enforcement Board or Hearing Officer/special magistrate shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the code enforcement board or special magistrate may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.

(d) If the mortgagee does not reimburse the Municipality for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Municipality sending the mortgagee the invoice then the Municipality may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

**SECTION 179-20. OPPOSING, OBSTRUCTING ENFORCMENT OFFICER; PENALTY.**

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

**SECTION 179-21. IMMUNITY OF ENFORCEMENT OFFICER**

Any enforcement officer or any person authorized by the Municipality to enforce the sections here within shall be

immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this article.

SECTION III. AMENDMENTS. Registration and Penalty Fees outlined in this article may be modified by a Resolution, passed and adopted of the Municipality Commission of the Municipality of City of Ventnor.

SECTION IV. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION V. REPEALER. All ordinances or parts of ordinances in conflict herewith, are and the same are hereby repealed.

SECTION VI. CODIFICATION. It is the intention of the Ventnor Commission of the Municipality of Ventnor City, New Jersey, that the provisions of this Ordinance shall become and be made a part of the Municipality of Ventnor City Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION VII. EFFECTIVE DATE. This ordinance shall become effect upon its final passage, publication and adoption in the manner prescribed by law.

Date of Introduction: January 21, 2016

Date of Publication: January 25, 2016

Date of Public Hearing &  
Adoption February 18, 2016

ORDINANCE NO. 2016-02

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER §217  
REGULATION OF PARKING ON CERTAIN STREETS

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

Section I. Section 217.9 shall be amended to read as follows:

Applications for parking permits under this Article shall be made, in writing, to the Code Official of the City of Ventnor or his/her designee upon such forms to be prepared by the office of the Code official upon passage of this article. All individuals who apply for a parking permit shall also be entitled to purchase up to two (2) visitors placards as set forth in section 217.11.

Section II. Section 217.9.1, FEES shall be added as follows:

- (A) Parking Permit fees shall be \$2.00 for each permit, payable in January of all even numbered years for a period of two years and terminating by December 31 of each odd numbered year. Payment of fees shall not be prorated if purchased after January 1 in any given year.
- (B) All new residents, either homeowners or tenants, shall be entitled to apply for a parking permit pursuant to the conditions set forth in section 217-10. The fee regardless of when same is applied for shall remain as set forth in paragraph (A).
- (C) Visitor placards shall be at the rate of \$2.00 for each placard for a term set forth in section 217.9.1(A).

Section III. Section 217.10 (A) shall be amended to remove "Chief of Police" in the last full sentence to be replaced with "Code Official or his/her designee."

Section VI. Section 217.12 shall be deleted and replaced with the following:

(A) An applicant for a parking permit under this Article shall show to the Code Official or his/her designee satisfactory evidence that he/she fulfills all the conditions required for the issuance of such permit. Whenever such conditions no longer exist, any person holding such permit shall surrender same to the Code Official or his/her designee. It shall be unlawful for any person to represent that they are entitled to a permit hereunder when they are not so entitled, to fail to surrender a permit to which they are no longer entitled or to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it. No permit issued hereunder shall be valid for more than two years, but may be renewed upon expiration, provided that the conditions for issuance thereof still exist.

(B) The Code Official in conjunction with the Chief of Police shall have the authority to promulgate rules and regulations from time to time as he/she sees fit in order to implement and effectuate the purposes and intent of this article.

Section V. Section 217.14 shall be deleted and replaced with the following:

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine of not less than \$50.00 and not more than \$2000.00. A separate offense shall be deemed committed on each day during or on which a new violation occurs or continues. The Court, in its discretion, may order the imposition of up to a maximum of 90 days of community service in addition to or as a substitute for any fine.

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

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

Date of Introduction: January 21, 2016

Date of Publication: January 25, 2016

**ORDINANCE 2016-03**

**ESTABLISHING 2016 SALARIES, COMPENSATION AND SALARY RANGES  
OF OFFICERS AND EMPLOYEES OF THE CITY OF VENTNOR CITY AND  
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES HERETOFORE  
ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that:**

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

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

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

DP CODE	TITLE	SALARY RANGE	
		FROM	TO
00001	Account Clerk	\$25,000	\$51,980
00627	Assistant Municipal Tax Collector	\$25,000	\$60,000
00671	Assistant Public Works Superintendent	\$25,000	\$95,000
	Attendants-Fishing Pier	\$8.38/hr	\$10.00/hr
	Attendants- Tennis	\$8.38/hr	\$10.70/hr
	Beach Cleaner	\$8.38/hr	\$9.50/hr
	Beach Fee Checker	\$8.38/hr	\$9.50/hr
	Beach Checker Supervisor	\$8.38/hr	\$12.50/hr
	Captain, Beach Patrol	\$9.50/hr	\$32.64/hr
00970	Carpenter	\$25,000	\$61,642
07451	Chief Financial Officer	\$24,000	\$108,500
	Chief, Beach Patrol	\$13.50/hr	\$36.72/hr
01229	City Clerk	\$24,000	\$94,000
01285	Code Enforcement Officer	\$25,000	\$42,763
01290	Commissioner	\$7,500	\$10,000
05045	Construction Official	\$20,000	\$98,197
01509	Deputy City Clerk	\$15,000	\$25,000
01506	Deputy Fire Chief	\$56,400	\$118,085
07796	Deputy Municipal Court Administrator	\$15,000	\$35,540
05046	Electrical Sub-Code Official	\$3,000	\$16,000
01836	Fire Captain	\$56,000	\$110,810
01837	Fire Chief	\$56,000	\$151,620
01839	Fire Fighter	\$41,300	\$90,491
01843	Fire Lieutenant	\$52,700	\$97,989
05200	Fire Sub-Code/Plumbing Sub-Code Official	\$7,500	\$27,200
06818	General Supervisor Traffic Maintenance	\$25,000	\$59,120
02071	Housing Inspector	\$25,000	\$74,155
	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	\$25,000	\$58,200

02248	Laborer	\$25,000	\$58,500
	Lieutenant, Beach Patrol	\$9.50/hr	\$24.48/hr
02297	Lifeguard	\$9.50/hr	\$22.44/hr
01940	Maintenance Worker 1 Grounds	\$25,000	\$58,000
02390	Management Specialist	\$10,000	\$50,700
02428	Mayor	\$8,500	\$10,000
02434	Mechanic	\$25,000	\$62,200
02456	Mechanic's Helper	\$25,000	\$58,900
02519	Municipal Administrator	\$5,000	\$33,200
07795	Municipal Court Administrator	\$15,000	\$57,118
05079	Municipal Emergency Management Coordinator	\$15,000	\$60,000
06328	Municipal Engineer	\$50,000	\$108,000
10107	Network Administrator I	\$25,000	\$90,926
07305	Parking Enforcement Officer	\$15,600	\$34,020
02604	Park Maintenance Worker	\$25,000	\$56,000
02637	Payroll Supervisor 1	\$25,000	\$61,543
02653@	Personnel Officer	\$10,000	\$25,000
	Pier Master	\$250/wk	\$900/wk
	Planning Board Secretary	\$400/mth	\$500/mth
05056	Plumbing Sub-Code Official	\$3,000	\$27,200
02718	Police Captain	\$69,984	\$122,331
02719	Police Chief	\$72,000	\$138,354
02727	Police Lieutenant	\$64,650	\$111,210
	Police Lieutenant, Assigned Detective	\$69,984	\$122,331
02728	Police Officer	\$26,592	\$91,909
	Police Officer, Assigned Detective	\$59,723	\$101,100
02739	Police Sergeant	\$59,723	\$104,133
	Police Sergeant, Assigned Detective	\$64,650	\$111,210
01296	Public Safety Telecommunicator	\$24,500	\$63,335
02936	Public Works Superintendent	\$25,000	\$106,752
02952	Purchasing Assistant	\$25,000	\$30,128
02495	Pump Station Operator	\$25,000	\$54,700
05674	Receptionist/Telephone Operator Typing	\$25,000	\$62,373
02993	Recreation Leader	\$6,000	\$57,786
02995	Recreation Leader Arts & Crafts	\$25,000	\$27,000
04440	Recreation Leader Tennis	\$200/wk	\$900/wk
	Recycling Coordinator	\$2,500	\$10,000
03125	School Crossing Guard	\$20.00/day	\$60.00/day
03127	Secretarial Assistant	\$15,000	\$55,000
03165@	Senior Account Clerk	\$25,000	\$31,570
	Senior Bus Coordinator	\$10,000	\$15,000
05875	Sewer Repairer/Water Repairer 1	\$25,000	\$58,200
05945	Sewer Superintendent/Water Superintendent	\$25,000	\$97,000
06895	Special Law Enforcement Officer	\$10,000	\$34,060
03805	Street Sweeper	\$25,000	\$54,600
06724	Supervising Mechanic	\$25,000	\$65,200
06707	Supervisor Sewer/Supervisor Water	\$25,000	\$97,000
04120	Tax Assessor	\$20,000	\$75,400
04124	Tax Collector	\$24,000	\$83,060
04189	Traffic Maintenance Worker	\$25,000	\$54,100
05742	Water Meter Reader/Water Meter Repairer	\$25,000	\$56,500

**SECTION IV.** 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, 2016.

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

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

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

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

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

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

Date of Introduction: February 18, 2016

Date of Publication: February 22, 2016

Date of Public Hearing &  
Adoption March 17, 2016

**ORDINANCE 2016-04  
CALENDAR YEAR 2016**

**MODEL 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 0% 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 Commission of the City of Ventnor in the County of Atlantic finds it advisable and necessary to increase its CY 2016 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 Commission hereby determines that a 3.5% increase in the budget for said year, amounting to \$792,543 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Commission 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 Commission 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 2016 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 \$792,543, and that the CY 2016 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.

Date of Introduction:	February 18, 2016
Date of Publication:	February 22, 2016
Date of Public Hearing & Adoption	March 17, 2016

ORDINANCE 2016-06

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

- A. Delete Little Rock, East, All hours, 15 minutes, from a point 142 feet south of Atlantic Avenue to a point 22 feet south thereof.
- B. Add Little Rock, East, All hours, 15 minutes, from a point 95 feet south of Atlantic Avenue to a point 70 feet south thereof.

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.

Date of Introduction: March 17 2016

Date of Publication: March 21, 2016

Date of Public Hearing &  
Adoption April 21, 2016

**ORDINANCE NO. 2016-07**

**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. Shall be amended to read “The following rates and fees shall be charged for water service in the City of Ventnor”.

- |   |          |
|---|----------|
| 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<br>of June, July and August | \$ 1.32  |

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: May 19, 2016

PUBLICATION: May 23, 2016

PUBLIC HEARING &  
ADOPTION: June 16, 2016

ORDINANCE NO. 2016-08

AN ORDINANCE AMENDING ARTICLE V OF CHAPTER §217  
ON-STREET HANDICAPPED PARKING AREAS

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

Section I. Section 217.19.1 as written shall be deleted in its entirety and replaced to read as follows:

Within the boundaries of the City of Ventnor City is the property known as the “Ventnor City Hall” which building is located at 6201 Atlantic Avenue. The designated area for the Ventnor City Hall handicapped parking shall be on the north side of Atlantic Avenue from a point 25 feet west of Cambridge Avenue to a point 44 feet west thereof.

Section II. Section 217.20 shall be deleted and replaced with the following:

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not to exceed \$2000.00. A separate offense shall be deemed committed on each day during or on which a new violation occurs or continues. The Court, in its discretion, may order the imposition of up to a maximum of 90 days of community service in addition to or as a substitute for any fine.

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: June 16, 2016

PUBLICATION: June 20, 2016

PUBLIC HEARING &  
ADOPTION: July 21, 2016

ORDINANCE NO. 2016-09

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

- A. Add Cambridge Avenue, West, 7:00 a.m. to 6:30 p.m., 15 minutes, from a point 25 feet north of Atlantic Avenue to a point 60 feet north thereof.

Section II. Section 214-4 shall be deleted and replaced with the following:

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not to exceed \$2000.00. A separate offense shall be deemed committed on each day during or on which a new violation occurs or continues. The Court, in its discretion, may order the imposition of up to a maximum of 90 days of community service in addition to or as a substitute for any fine.

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: June 16, 2016

PUBLICATION: June 20, 2016

PUBLIC HEARING &  
ADOPTION: July 21, 2016

## ORDINANCE NO. 2016-10

### AN ORDINANCE TO ADVERTISE FOR SALE THE LAND AND PREMISES, BLOCK 169, LOT 15 AKA 113 N. NEWPORT AVE

**WHEREAS**, the City of Ventnor City is the owner of certain land hereinafter described; and

**WHEREAS**, in the judgment of the Mayor & Commissioners of this City, said land is of no further use for public purpose and is not needed for public use and should be disposed of in accordance with the statute in such case made and provided, N.J.S.A. 40A:12-13(b)(5), by sale at auction to the contiguous landowners; and

**WHEREAS**, said lands are without any capital improvement and less than the minimum size required for development; and

**WHEREAS**, the fair market value of the land described below is not less than proposed sale price;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Ventnor City as follows:

**SECTION I.** That authorization is hereby given to ADVERTISE FOR SALE the land and premises listed as follows:

<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>MINIMUM PRICE (BID)</u>
113 N. Newport Avenue (19 feet x 75 feet)	169	15	\$6,500.00

and listed in the Notice of Sale hereinafter mentioned, at AUCTION to the highest bidder from among ONLY those individuals with an interest in the adjoining real property by bids submitted to the City Tax Counsel's office, 31 N. Brighton Avenue, Atlantic City, New Jersey 08401, which bids shall be received for a period of 20 days following the advertisement of this sale. In addition to the bid price, the purchaser shall pay the cost for publication of any required notices.

**BE IT FURTHER ORDAINED** that settlement shall be held on or before August 31, 2016 in the office of City Tax Counsel's office, 31 N. Brighton Avenue, Atlantic City, New Jersey 08401, or in the office of a local title insurance company, if at least two (2) days written notice is given by either party to the other. If the day fixed is on a Sunday or other holiday, settlement shall be made on the next business day. The City Tax Counsel may for good cause shown and in his sole discretion extend the time of the settlement for a reasonable period. At settlement, the purchase price shall be tendered in the form of cash, certified check or cashier's check. Should the successful bidder fail to make settlement on the date designated herein or any approved extension thereof, the City may place the property for sale again; and

**BE IT FURTHER ORDAINED** that, except as provided for hereinafter, the aforesaid land will be sold free and clear of any and all taxes, assessments, water rents and other municipal liens and charges as of the date of sale; and

**BE IT FURTHER ORDAINED** that the City reserves the right to add any conditions to the sale of any property at the time of auction. If the successful purchaser defaults on any condition imposed, title to the property shall immediately and without further action revert back to the City and all funds paid to the City for the property shall be retained by the City.

**BE IT FURTHER ORDAINED** that authorization is hereby given to give Notice of the aforesaid Sale at Public Auction by public ADVERTISEMENT thereof in the Atlantic City Press by ONE (1) INSERTION, WITHIN 5 DAYS FOLLOWING APPROVAL ON SECOND READING AND SHALL BE POSTED ON A BULLETIN BOARD IN CITY HALL FROM THE TIME OF PASSAGE ON FIRST READING UNTIL THE TIME FOR BIDS HAS TERMINATED, said Notice to be substantially in accordance with the form of Advertisement attached hereto and made a part hereof and approved hereby; and

**BE IT FURTHER ORDAINED** that the purchaser, for himself, his heirs, personal representative, successors and assigns, waives any possible exemption from taxes and assessments, and interest and other lawful charges thereon, by reason of the ownership of the premises by the City of Ventnor City prior to sale, and that the said premises shall be liable for and subject to the same manner and under and subject to all lawful charges thereon, as well as the tax liens and tax sale, as real estate not municipally owned; and

**BE IT FURTHER ORDAINED** that the Board of Commissioners reserve the right to reconsider this Ordinance within THIRTY DAYS following its enactment and to accept or reject the highest bid made, to adjourn postpone or remove the property from sale at any time, even after submission of bids, without further notice; and

**BE IT FURTHER ORDAINED** that the General Tax Counsel is authorized to adjourn postpone or remove the property from sale at any time prior to the submission of bids without further notice; and

**BE IT FURTHER ORDAINED** that the City shall hereby make no warranties or guarantees that the successful bidder shall be allowed by the Ventnor City Planning or Zoning Boards to construct or build upon the aforesaid lot; and

**BE IT FURTHER ORDAINED** that the successful bidders shall be responsible for all real property taxes from the date of settlement, and shall further be responsible for reimbursement to the City, on or before the date of settlement, of all advertising costs related to the within Public Sale; and

**BE IT FURTHER ORDAINED** that the successful bidder shall take title to the property subject to any and all riparian or tideland claims that may exist upon said lands as well as any tenancies, easements or other private rights in the property which are not held by the City; and

**BE IT FURTHER ORDAINED** that the successful bidder shall take title to the property subject to the Industrial Site Recovery Act (ISRA); the Coastal Area Facility Review Act (CAFRA); the Wetlands Act, the Waterfront Development Law, and any and all other Federal, State and/or Local Regulations which impose any conditions or restrictions upon the lands and premises being conveyed. The Buyer agrees, at the buyers expense, to comply with any conditions, restrictions or requirements imposed by any statute, regulation, ordinance or law; and

**BE IT FURTHER ORDAINED** that, no bids shall be accepted from any owner of property in Ventnor City for which any real estate taxes or municipal charges are due and unpaid at the time of sale; and

**BE IT FURTHER ORDAINED** that the City shall convey the property in “As Is” condition. The City makes no warranties or representations regarding ANY condition including, without limitation environmental, mechanical, structural or cosmetic conditions of the property; and

**BE IT FURTHER ORDAINED** that the successful bidder shall be responsible for all demolition and environmental clean-up costs that may be necessary relative to the property; and

**BE IT FURTHER ORDAINED** that all Ordinances inconsistent with the terms of this Ordinance are hereby repealed.

**BE IT FURTHER ORDAINED** that the Deed shall contain the condition of Agreement by Buyer and Seller that the purchase price of the property or any information involved in its determination shall not be used as evidence in any appeal of municipal taxes for this or any property.

**SECTION II.** All Ordinances or parts of this Ordinance 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: June 16, 2016

PUBLICATION: June 20, 2016

PUBLIC HEARING &  
ADOPTION: July 21, 2016

ORDINANCE 2016-11

AMENDING ORDINANCE 2016-03 ESTABLISHING 2016 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 Title shall be deleted:

DP CODE	TITLE	SALARY RANGE	
		FROM	TO
02390	Management Specialist	\$10,000	\$50,700

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

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

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

FIRST READING: July 21, 2016

PUBLICATION: July 25, 2016

PUBLIC HEARING &  
ADOPTION: August 18, 2016

## ORDINANCE 2016-12

### AN ORDINANCE CREATING CHAPTER 107 OF THE VENTNOR CITY CODE – DRONES AND UNMANNED AIRCRAFT

**WHEREAS**, the City of Ventnor deems it appropriate, necessary, and proper for the protection of persons and property, and for the preservation of the public health, welfare, and safety of its inhabitants to adopt certain regulations pertaining to the use of drone technology and unmanned aircraft on government owned property; and

**WHEREAS**, drone technology includes “drones,” which are unmanned aircraft that can fly under the control of a remote pilot or via a geographic positions system guided autopilot mode, can fly at altitudes below the navigable airspace (generally 400’), and are equipped with surveillance technologies (e.g., high definition cameras, night vision cameras, and infrared see-through scopes); and

**WHEREAS**, as a result of its declining cost, drone technology and unmanned aircraft have become increasingly available to private citizens for personal, recreational, and other potential uses; and

**WHEREAS**, drones and unmanned aircraft can be used to fly above City owned properties in a manner that is inherently dangerous to the public health, welfare, and safety; and

**WHEREAS**, imposing community-based safety requirements on the operation of “Model Aircraft” consistent with PL 112-95126 Stat 11 § 336(a) and the associated regulations promulgated by the Federal Aviation Administration (“FAA”) is necessary to mitigate such risks and to protect the public from the hazards associated with the operation of unmanned aircraft.

**NOW THEREFORE, BE IT ORDAINED** by the Commission of the City of Ventnor, County of Atlantic, State of New Jersey, that:

#### **STATEMENT OF PURPOSE**

Section I. The purpose of this Ordinance is to add Chapter 107, by adding certain and specific regulations of unmanned aircraft in the City of Ventnor to protect the public health, welfare, and safety of the public.

#### **Chapter 107. DRONES AND UNMANNED AIRCRAFT**

##### Article I. Drones and Unmanned Aircraft Regulations

#### **§107-1. Definitions**

“Data collection” means the acquisition of information by use of one or more sensing devices.

“Drone” means an unmanned aircraft that can fly under the control of a remote pilot or by a geographic positions system (“GPS”) guided autopilot mechanism, and that is equipped with any sensing device or capable of any data collection.

“Sensing device” means a device capable of acquiring data from its surroundings. Sensing devices include, but are not limited to, cameras, microphones, thermal detectors, chemical detectors, radiation gauges, and wireless receivers in any frequency (including cellular, Wi-Fi, or other data frequencies).

“Unmanned aircraft” means an unmanned vehicle or device of any size that is capable of remote control flight by any means device, is not capable of any data collection, and that does not possess any sensing devices.

#### **§107-2. Regulations**

A. Except as otherwise provided in §107-3, drones and unmanned aircraft are prohibited from being launched from, or landing on, any government or public buildings, property, or parks within the City unless prior written permission has been granted by the Ventnor City Chief of Police for a special event or City sponsored event.

B. Except as otherwise provided in §107-3, drones and unmanned aircraft are prohibited from operating or flying in any airspace under 400 feet over any government or public buildings, property, or parks within the City unless prior written permission has been granted by the Ventnor City Chief of Police for a special event or City sponsored event.

C. Except as otherwise provided in §107-3, drones and unmanned aircraft are prohibited from operating or flying in any airspace under 400 feet over the Ventnor City Beaches from May 31<sup>st</sup> through September 1<sup>st</sup> in any given year unless prior written permission has been granted by the Ventnor City Chief of Police for a special event or City sponsored event.

#### **§107.3. Exceptions**

A. This Chapter shall not prohibit the constitutional use of drones and unmanned aircraft by any law enforcement agency or

emergency services organization of or servicing the City, the State of New Jersey, or the United States of America for lawful purposes and in a lawful manner.

B. This Chapter shall not prohibit any federal, state, county or municipal agency from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to applicable regulation.

C. This Chapter shall not prohibit the use of unmanned aircraft by any federal, state, county or municipal agency, including, but not limited to, law enforcement and emergency services agencies, for lawful purposes and in a lawful manner.

**§107-4. Violations and penalties**

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine of not more than \$2000.00. A separate offense shall be deemed committed on each day during or on which a new violation occurs or continues. The Court, in its discretion, may order the imposition of up to a maximum of 90 days of community service in addition to or as a substitute for any fine.

Section II. All ordinances or parts of ordinances, inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

Section III. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section IV. This Ordinance shall take effect after final passage, adoption and publication according to law.

FIRST READING: July 21, 2016

PUBLICATION: July 25, 2016

PUBLIC HEARING &  
ADOPTION: August 18, 2016

CITY OF VENTNOR CITY  
ORDINANCE 2016-13

AMENDING CHP 126 FLOOD HAZARD AREAS, SECTION 5 DEFINITIONS  
AS IT RELATES TO SUBSTANTIAL DAMANGE AND SUBSTANTIAL IMPROVEMENT

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that:

SECTION I. Chp. 126-5 Definitions shall be amended to read as follows:

SUBSTANTIAL DAMAGE – 40% of the market value shall be amended to read 50% of the market or assessed value and ten-year period shall be amended to read one-year period.

SUBSTANTIAL IMPROVEMENT – 40% of the market value shall be amended to read 50% of the market or assessed value and ten-year period shall be amended to read one-year period.

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

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

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

FIRST READING: September 15, 2016

PUBLICATION: September 19, 2016

PUBLIC HEARING &  
ADOPTION: October 20, 2016

ORDINANCE 2016-14

**AN ORDINANCE AMENDING CHAPTER 197, STREETS AND SIDEWALKS OF THE VENTNOR CITY CODE – REVOCABLE LICENSES FOR RESIDENTIAL ENCROACHMENTS**

**WHEREAS**, occasionally the Commission encounters a situation where a property owner of the City has constructed or desires to construct a structure, either intentionally or inadvertently, which encroaches upon City property or right-of-way; and

**WHEREAS**, in such instances, the Commission may, at its sole discretion, allow for a Revocable License to permit the encroachment or encroachments with the understanding that the encroachment or encroachments cannot prevent the City from utilizing municipal property or right-of-ways, and that the City must be held harmless from any injury or damage caused by the encroachment or encroachments, and that the License Agreement, if granted in the sole discretion of the Commission, is revocable, with the encroachment or encroachments subject to removal at the sole cost and expense of the property owner.

**WHEREAS**, upon passage, duly noticed public hearings, as required by law will be have been held by the City of Ventnor, at which public hearings all residents and interested persons were given an opportunity to be heard:

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

**SECTION I.**

That the Ventnor City Commission hereby amends Ventnor City’s Code, Chapter 197 by creating Article IX entitled “Revocable License Agreements For Residential Encroachments” to read as follows:

**CHAPTER 197, ARTICLE IX REVOCABLE LICENSE AGREEMENTS FOR RESIDENTIAL ENCROACHMENTS**

**Section 197-138 REVOCABLE LICENSES.**

A) The Commission, in its sole discretion, may grant a property owner of the City of Ventnor a Revocable License in writing, allowing for said property owner to create or continue an existing encroachment upon municipal property where such an encroachment is considered by the governing body not to be a significant impairment to the City’s use of the City property, and will be removed at the sole cost and expense of the property owner should the Commission determine, in its sole discretion, that such encroachment needs to be removed in order for the City to make use of or enter upon said City property, subject to approval by the State of New Jersey in those cases, and in those cases only, where State approval is required either because of Green Acres funding of public property or other State requirements. A Revocable License is not a substitute for a building permit or a construction permit when either is otherwise required by this Code.

B) Any Revocable License granted by the Commission must be granted by Resolution, be in written form of agreement, approved by the City Solicitor and incorporate at least the following terms:

- (1) An Indemnification and Hold Harmless Clause protecting the municipality against any loss, injury, damage, or claim arising out of the use of the City property encroached upon;
- (2) A clause allowing for the termination of the Revocable License upon Notice of Termination in the sole discretion of the Commission and at the sole cost and expense of the property owner;
- (3) A clause discussing enforceability in case the property owner fails to comply with the aforesaid License Agreement, by allowing the City to remove said encroachment at the sole cost and expense of the property owner;
- (4) A term requiring the licensee to keep in place at all times personal injury liability insurance coverage, in the

sum of at least \$500,000 (or other appropriate amount as required by the City), upon the owner's property and the encroachment or use, at the owner's sole cost, and ensuring that the City is named therein as an additional insured. The owner shall provide proof of such insurance coverage at the time of issuance of the license, and of the continuation of such coverage, on an annual basis, as required by the license or permit.

- C) All License Agreements shall be recorded in the Clerk's Office of Atlantic County at the sole cost and expense of the property owner as set forth in paragraph E.
- D) All License Agreements shall be assignable to a new owner of the adjacent property served by the encroachment.
- E) The property owner, shall pay to the City a one-time application fee of \$300 along with a deposit into the City's escrow account in the amount of \$500 which shall be used to pay for all costs associated with the solicitor's preparation of the revocable license agreement and the filing fee with the Atlantic County Clerk's office. In the event the cost of preparation and filing fees are less than \$500, the remaining funds shall be returned to the property owner. In the event that the legal fees exceed \$500, along with the filing fees, same shall be the responsibility of the property owner which shall be paid prior to the filing of the license.

### **Section 197-139. APPLICATION-CONTENTS.**

An application for a Revocable License shall be filed in a manner and on forms provided by the City Clerk's Office. The application form shall, at a minimum, contain the following information in a clear and legible manner suitable for recordation:

- A) A legal description, prepared by a New Jersey professional licensed surveyor, of the adjoining property deriving the potential benefit of the encroachment;
- B) Other identifying information, including the property street address and assessor's parcel number;
- C) A legal description, prepared by a licensed New Jersey Professional surveyor, of the proposed encroachment both in the form of a narrative and supplemental drawings showing the type, nature, and extent of the encroachment;
- D) An acceptable current title report, excerpt or lot book report that establishes the legal ownership of the property in question;
- E) The identity and original, notarized signature(s) of the legal owner(s) of the adjoining property to be benefited as necessary to establish a legally-binding agreement and covenant that shall run with the title of the land;
- F) Evidence that the requested encroachment cannot be reasonably accommodated on the applicant's own property and outside the City's right-of-way;
- G) Evidence that a hardship exists necessitating the encroachment and that the hardship was not created by the applicant or his/her agents;
- H) Any other information that, in the opinion of the City Clerk, Code enforcement and/or the City Engineer is necessary to adequately evaluate the application including, but not limited to, property line survey, topography, geotechnical reports, drainage studies and construction details of the proposed structure; and
- I) A non-refundable application fee in the amount of \$300.00 submitted at the time of the application along with a check in the amount of \$500 for all legal fees and filing fees as set forth more fully in paragraph 138(E).

### **Section 197-140 APPLICATION-PROCEDURE.**

- A) **Filing.** An application for a Revocable License into a planned or existing public right-of-way shall be filed by the owner of the property for which the Revocable License is sought or by an authorized representative of the owner. Such application shall be made to the City Clerk and shall be on forms furnished by the City Clerk.
- B) **Filing Fee.** A uniform fee, established by the Commission under separate resolution, shall be required upon the filing and investigation of the application for Revocable License or transfer of a Revocable License to defray administrative costs

incurred by the city in processing the application.

C) Investigation. An investigation shall be conducted by all departments of the city having an interest in, or jurisdiction over, the matter. Upon the receipt of an application pursuant to the provisions of this chapter, the City Clerk shall transmit the application to all affected departments for written reports of findings and recommendations. All such written reports shall be submitted to the director of public works for consideration when making a decision on the application.

D) Criteria for Evaluation and Approval. A Revocable License application may be approved when it can be reasonably demonstrated that the structure will not interfere with the present and prospective public use of a street or right-of-way and will generally conform to the following requirements:

- (1) It should be located in a manner that is not hazardous to the traveling public, including motorists, bicyclists and pedestrians;
- (2) It should be sufficiently set back from the edge of pavement or street centerline to provide adequate travel, parking and walking lanes;
- (3) It should not conflict with preexisting public utility structures, especially hydrants, vault and service meters in any manner that necessitates relocation thereof at public expense or causes any other unacceptable interference, including impediments to the maintenance, relocation or repair of pipelines, conduits or substructures of any public utility;
- (4) It will not preclude public access, use or enjoyment of any area that has historically established such access, use or enjoyment;
- (5) It is not precedent setting in nature to the extent that it creates a noticeable projection into the streetscape as established by existing construction and improvements on neighboring properties; and
- (6) It does not create structures of unusual or unacceptable appearance, form, shape or height that detract from the general quality of the streetscape.

#### **SECTION 197-141 LICENSEE RESPONSIBLE FOR MAINTENANCE.**

The licensee shall be solely responsible for the maintenance, repair, and upkeep of all structures and improvements, including landscaping, approved under a Revocable License. Failure to maintain such facilities in good repair and to a reasonable prevailing standard, subject to the sole judgment of the City, may be sufficient cause for the City to order removal of such structure at the owner's expense upon sixty days written notice.

#### **SECTION 197-142 LICENSEE RESPONSIBLE FOR RESTORATION.**

Every licensee shall be responsible for restoring the site used pursuant to the license to its prior condition, upon the conclusion of said use or upon termination of the license, whichever occurs first. Any damage to the site or any trash, litter, or debris remaining on the site following said use shall be presumed to have been caused by the licensee, and, if the licensee fails to rebut said presumption or to repair the site or remove the materials, within five days of notice to do so, a charge may be levied upon the licensee, by the City, for the cost to remove the materials, plus an administrative surcharge of 25%.

#### **SECTION 197-143 VIOLATIONS.**

A) Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine of not more than \$2000.00. A separate offense shall be deemed committed on each day during or on which a new violation occurs or continues. The Court, in its discretion, may order the imposition of up to a maximum of 90 days of community service in addition to or as a substitute for any fine.

B) As an additional remedy, the construction or maintenance of any encroachment in violation of any provision of this chapter shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

#### **SECTION II. SEVERABILITY.**

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

### **SECTION III. REPEALER.**

All ordinances or parts of ordinances in conflict herewith, are and the same are hereby repealed.

### **SECTION IV. CODIFICATION.**

It is the intention of the Ventnor City Commission of the Municipality of Ventnor City, New Jersey, that the provisions of this Ordinance shall become and be made a part of the Municipality of Ventnor City Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon final adoption and publication of the notice of the adoption as required by law;

FIRST READING: August 18, 2016

PUBLICATION: August 22, 2016

PUBLIC HEARING &  
ADOPTION: September 15, 2016

ORDINANCE 2016-15

AN ORDINANCE AMENDING CHAPTER 171-7, HOURS OF CONSTRUCTION  
OF THE CODE OF THE CITY OF VENTNOR

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that:

SECTION I. Chapter 171-7, Hours of Construction shall be amended to read as follows:

171-7. Hours of Construction.

- A. From the first day after Labor Day until the Thursday before Memorial Day, no construction of any kind shall commence in the City of Ventnor before 7:30 a.m., and shall cease by 7:00 p.m., Monday through Saturday. On Sundays, no construction shall commence before 8:30 a.m., and shall cease by 6:00 p.m.
- B. From the Friday before Memorial Day until Labor Day, no construction of any kind shall commence in the City of Ventnor before 8:00 a.m., and shall cease by 6:00 p.m., Monday through Saturday. On Sundays, there shall be no construction of any kind.
- C. In the event of a hardship, a homeowner or contractor may request a waiver of the aforesaid hours through the Building Department.

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

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

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

FIRST READING: August 18, 2016

PUBLICATION: August 22, 2016

PUBLIC HEARING &  
ADOPTION: September 15, 2016

CITY OF VENTNOR CITY  
ORDINANCE 2016-16

AN ORDINANCE AMENDING CHAPTER 156 NOISE, SECTION 4 B. (4) & (5),  
OF THE CODE OF THE CITY OF VENTNOR

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that:

SECTION I. Chapter 156-4. Prohibited acts be amended to read as follows:

156-4 B. (4) Loading and unloading: loading , unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects , gaseous, powder or pellet form, or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal during the hours as set in Chapter 171-7.

156-4 B. (5) Construction and demolition; operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating or demolition work during the hours as set in Chapter 171-7.

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

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

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

FIRST READING: September 15, 2016

PUBLICATION: September 19, 2016

PUBLIC HEARING &  
ADOPTION: October 20, 2016

CITY OF VENTNOR CITY  
ORDINANCE 2016-17

AMENDING CHAPTER 197, STREETS AND SIDEWALKS, ARTICLE I,  
GENERAL USE OF STREETS AND SIDEWALKS OF THE CODE  
OF THE CITY OF VENTNOR CITY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that:

SECTION 1: ARTICLE I: General Use of Streets and Sidewalks shall be amended to read as follows:

§ 197-1. Street opening permit required.

A. It shall be unlawful for any person, firm, corporation, or company to disturb the surface, tunnel, jack, or make any opening or excavations of any kind within any public right-of-way, either paved or unpaved, for any purpose unless such person, firm, corporation, or company shall have first completed the application, paid the necessary fees, and received a street opening permit as hereinafter provided. Any contractor, subcontractor or company under contract with the City of Ventnor City or performing work under direction of the City involving municipal water or sewer mains and laterals shall be exempt from obtaining a street opening permit.

B. It shall be unlawful for any street opening permit to be issued for the opening or disturbance of any paved roadway surface for a period of five years after the completion of the resurfacing, repaving, or reconstruction of any municipal roadway in the City of Ventnor City unless and until an emergency situation or hardship condition has been declared by resolution of the Board of Commissioners of the City of Ventnor City, New Jersey.

C. All work shall be governed by the 2007 Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation, hereinafter referred to as "specifications," and the Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration, hereinafter called "MUTCD," both as currently amended.

D. The Municipal Clerk of the City of Ventnor City shall keep the records of all permits issued by the City and submit the fees paid therefor to the City Treasurer's office, which fees shall be accounted for by the City Chief Financial Officer in the required reports to the governing body. The Municipal Clerk shall also maintain the performance guaranties and shall release the guaranties upon certification by the Public Works Supervisor that the work has been properly completed.

§ 197-2. Compliance with street opening permit specifications.

It shall be unlawful for any person, firm, corporation, or company, after having obtained a street opening permit therefor, to open or disturb an area greater than that specified in said street opening permit. No waiver from the street opening permit specifications will be permitted without first formal notification in writing to, and formal response in writing from, the office of the City Administrator.

A. No work within any public right-of-way shall be permitted before 7:00am or after 6:00 pm Monday thru Friday. No work shall be permitted on Saturdays, Sundays and municipal holidays.

B. Prior to the placement of any equipment for work to be performed under the street opening permit, the person, firm, corporation, or company performing the work shall erect the necessary maintenance protection of traffic devices. All maintenance and protection of traffic, both signage and location, shall be in accordance with the published details of the MUTCD. Any question arising as to the amount of required traffic control devices shall be resolved by the Ventnor City Public Safety Department. Failure to establish the necessary traffic control prior to the initiation of any work under a street opening permit shall be cause for revocation of said permit.

C. Any street opening permit work which shall cause the temporary closure of one lane of traffic shall not take place until a proper traffic control plan has been submitted to and approved by the Ventnor City Police Department. After approval of said traffic control plan, at least 24 hours' advance notice by telephone shall be provided to the Ventnor City Police Dispatcher. No complete closure of any municipal street shall be permitted unless submitted with the original request for and issued under the approved street opening permit. All property owners affected by a lane closure or road closure shall be notified 48 hours in advance by door hangers.

D. Prior to the initiation of any excavation activity, proper erosion and sediment control measures shall be employed to prevent any excavated material from entering existing drainage facilities. Where it is determined necessary by the Supervisor of Public Works, inlet filter material shall be utilized during the course of excavation. Filter material shall be removed upon completion of the excavation work. For projects involving more than one day, the contractor shall maintain and replace the filter material to assure functioning in rainfall events.

E. The contractor shall be required to perform all excavation, bedding, backfilling, and disposal of excess material in conformance of Section 202 of the Specifications. All openings shall first be sawcut. Trench openings shall not be permitted to remain overnight. During excavations greater than four feet in depth, the contractor shall utilize proper equipment to protect undermining of the adjacent asphalt areas. Failure to provide proper equipment to protect from undermining of the adjacent asphalt area shall be cause for immediate cessation of work and revocation of the street opening permit. Undermined areas shall immediately be removed through sawcutting and shall become part of the obligation of the permittee for proper restoration.

F. Openings within asphalt pavement shall be restored to a condition as well as it was before the excavation was commenced. See details at the end of this article.

(1) Trenches shall be backfilled in layers not to exceed six inches and a vibratory tamper must be used. Ninety-five-percent compaction shall be required. Puddling of backfill is strictly prohibited. Should there be a deficiency; additional backfill material shall be supplied by the permittee. Whenever the City Engineer shall deem the material unsatisfactory for backfill, the permittee shall provide acceptable material for the backfill.

(2) Roadways with a concrete base shall be restored using a combination of concrete and asphalt. The amount of concrete and asphalt to be used at each such excavation shall be as directed by the City Engineer.

(3) Hot Mix Asphalt (HMA) street restoration specifications.

(a) Gravel. Gravel shall be installed six inches thick. The gravel shall consist of compact soil aggregate, Type I-5. The use of a recycled asphalt product (RAP), dense graded aggregate (DGA) or recycled concrete product may be substituted for the soil aggregate as long as it meets the New Jersey Department of Transportation (NJDOT) requirements for I-5 materials. The City Engineer may, at his discretion, submit samples of the soil aggregate for a gradation analysis, with the cost of said analysis to be borne by the applicant.

(b) Temporary restoration.

[1] Hot Mix Asphalt (HMA) roadways.

[a] Less than 100 square feet.

[i] For openings in asphalt roadways that are less than 100 square feet, the temporary restoration will consist of the installation of six inches thick of soil aggregate, Type I-5, to a level of six inches below the level of the adjacent paved surfaces. A four-inch thick lift of HMA base course, Mix 19M64, followed by a two-inch thick lift of a bituminous concrete cold patch installed to grade.

[ii] These temporary surfaces shall be left in place for a period of not less than 45 days to allow sufficient settlement to occur. Should settlement continue to be inadequate, the City Engineer shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance deemed necessary by the City Engineer

until such time as the final restoration is completed, which shall be completed within not more than 90 days from the date of opening.

[b] Greater than 100 square feet.

[i] For openings in asphalt roadways that are greater than 100 square feet, the temporary restoration will consist of the installation of six inches thick of soil aggregate, Type I-5, to a level six inches below the level of the adjacent paved surfaces. A six-inch thick lift of HMA base course, Mix 19M64, shall then be installed to grade.

[ii] These temporary surfaces shall be left in place for a period of not less than 45 days to allow sufficient settlement to occur. Should settlement continue to be inadequate, the City Engineer shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance deemed necessary by the City Engineer until such time as the final restoration is completed, which shall be completed within not more than 90 days from the date of opening.

(c) Final restoration.

[1] Hot Mix Asphalt (HMA) roadways.

[a] Less than 100 square feet. For openings less than 100 square feet, the final restoration will involve the removal of the top two inches of bituminous concrete cold patch. All edges shall be saw cut six inches beyond the actual trench width disturbed to produce a clean edge, and said edges shall be prepared with an asphaltic tack coat. A two-inch thick lift of HMA surface course, Mix 12.5M64, shall then be placed to a level even with the existing road grade.

[b] Greater than 100 square feet.

[i] For openings greater than 100 square feet, the trenches shall be sawcut and milled to a depth of two inches to a distance of at least twelve inches beyond the actual trench width to produce a clean edge. All edges shall be coated with an asphaltic tack coat prior to a two-inch thick lift of HMA surface course, Mix 12.5M64, being placed to a level even with the existing road grade.

[ii] No surface water shall be entrapped or ponded on the resurfaced areas. If any ponding occurs, the permittee will be responsible for performing whatever remedial action is required by the City Engineer.

(4) Emergency openings.

(a) No permit shall be issued for any street opening which would disturb the pavement of any road having been constructed, reconstructed or overlaid until a period of five years after the completion of said construction, reconstruction or overlay, except in the event of an emergency. The five-year period as articulated herein shall be calculated from the date in which said road was constructed, reconstructed or overlaid and run five years thereafter. In the event that any entity shall be required to open a street and/or roadway as a result of an emergency, said emergency opening shall be reviewed by the City Engineer and if said City Engineer determines that no such emergency existed, then the entity so opening the street and/or roadway shall have a fine imposed upon such entity in the amount of \$1,000 for the first nonemergency opening, \$5,000 for a second nonemergency opening and \$10,000 for a third nonemergency opening.

(b) In the event that an emergency requires the opening of a roadway that has been resurfaced by the City during the previous five years, a full-width restoration will be required. The restoration will consist of a six-inch thick dense graded aggregate base course, and a six-inch thick HMA base course, Mix 19M64, brought to existing grade, within the excavated area. A full width curb-to-curb milling two inches in depth to extend 20 feet beyond the limit of excavations will be performed after proper settlement in the trench area. The allowable time for the settlement shall be 45 days unless otherwise directed by the City Engineer. The final surface course shall be a two-inch thick HMA surface course, Mix 12.5M64.

(c) In the event that an emergency requires the opening of a roadway, the entity shall first notify the emergency mark out call at 811 and then notify the Ventnor City Police Department of the location and cause the emergency before commencing any work.

(5) Hardships Condition

In the event in which a property owner has a hardship condition which requires a street opening permit to be issued contrary to the five (5) waiting period time enumerated in § 197-1. , the City Commissioners may grant relief if all of the following conditions are met:

(a) A letter addressed to the City Commissioner, care of City Clerk, is received detailing the hardship and necessity of opening the street in lieu of waiting the prescribed period of time.

(b) Upon receipt of the letter, a public meeting date will be set for the City Commissioners to take formal action.

(c) The property owner making the request shall serve a notice to all property owners within 200 feet, by certified mail, return receipt requested, or by personal hand delivery, a minimum of 10 days prior to the public meeting.

(d) The property owner shall file a copy of the notice served to adjoining property owners with an affidavit of proof of delivery of notice with the City Clerk at least three days prior to the public meeting. The notice must:

[1] Identify the property by street address and block and lot.

[2] State the reason for the hardship.

[3] State the type and size of the utility opening.

[4] Advise the adjoining property owners that if they have any objections, they must advise the City Clerk, in writing, as to their objections to the proposed street opening at least three days in advance of the public meeting.

[5] State the date and time of the public meeting.

[6] Be approved by the City Clerk prior to mailing.

(e) The City Commissioners shall consider the request at a public meeting and review all objections received, in writing. Approval or denial of the request shall be through formal adoption of a resolution.

(f) A request which includes the extension of a utility main shall not be considered and will be automatically denied.

(g) A request based solely on economic savings shall not be considered and will be automatically denied.

(h) Hardships requests that are granted by the City Commissioners are subject to the same restoration requirements enumerated under Section F (5) Emergency Openings.

(6) If more than three individual excavations would be required with a twenty-foot length, a single trench must be used rather than the individual excavations.

(7) In all cases where concrete has to be removed prior to any excavation, saw cut methods of removal shall be used. The restoration of the concrete shall be according to the following specifications:

(a) It shall be Class B with a design strength of 3,700 pounds per square inch.

(b) It shall have a minimum thickness of not less than four inches for sidewalk, six inches for driveway aprons and eight inches for gutter.

(c) It shall have a minimum width of not less than five feet for sidewalks.

(d) It shall have control joints not less than four feet for sidewalk, 10 feet for curb and gutter and expansion joints not less than 20 feet for sidewalk, curb and gutter.

(8) Exception

If a utility company has previous repaved a street under moratorium and desires to add a new service on the street and the trench openings are not to exceed three (3) 3' x 3' trench openings than an infra-red method of trench repair will be acceptable. Trench repair shall be backfilled in layers not to exceed six inches thick and a vibratory tamper must be used to a level six inches below the level of the adjacent paved surfaces. Ninety-five-percent compaction shall be required. Puddling of backfill is strictly prohibited. Should there be a deficiency, additional backfill material shall be supplied by the permittee. Whenever the City Engineer shall deem the material unsatisfactory for backfill, the permittee shall provide acceptable material for the backfill. A four-inch thick lift of HMA base course, Mix 19M64, with a two-inch thick lift of HMA surface course, Mix 12.5M64 shall then be installed to grade. After a minimum 45 day settling period the infra-red method can then be applied to the street opening.

G. Use of temporary asphalt pavement with the exception of cold patch shall be permitted only during the week in which the opening was performed. No temporary asphalt material shall be permitted to remain over weekends or holidays. All permanent paving shall be completed by the Friday of the Week during which the opening was made.

H. Excavations made that disturb concrete gutter, curb, or sidewalk shall be restored with NJDOT Class B concrete within 48 hours after the opening was performed. No use of temporary asphalt patch material shall be permitted in such areas. Immediately after completion of the excavation, the area shall be brought to grade with suitable clean backfill and thoroughly compacted. The area shall then be properly coned, flagged, and/or barricaded to prevent any safety hazard.

§ 197-3. Multiple utility openings.

A. When the same utility company or authority performs five or more total cumulative openings, regardless of size, within the same street block during the five-year period following resurfacing, repaving, or reconstruction of said street, it shall be the obligation of that utility company to mill to a depth of two inches the entire block between existing gutter lines for the entire block and overlay that milled area with a two-inch thick layer of Hot Mix Asphalt (HMA) surface course, Mix 12.5M64.

B. When the same utility company performs five or more openings, regardless of size, within the same year in the same block beyond the five-year period of a resurfacing, repaving, or reconstruction of said street, it shall be the obligation of that utility company to mill to a depth of two inches the entire block between existing gutter lines for the entire block and overlay that milled area with a two-inch thick layer of Hot Mix Asphalt (HMA) surface course, Mix 12.5M64.

C. When the same utility company or authority performs trench installation exceeding 15% of the pavement's surface area within a block, or if more than 1/3 of the width of the street is disturbed, or if three or more openings, regardless of size, are made within a fifty-foot length of the street, it shall be the obligation of that utility company to mill to a depth of two inches the entire block between existing gutter lines for the entire block and overlay that milled area with a two-inch thick layer of Hot Mix Asphalt (HMA) surface course, Mix 12.5M64.

D. Milling and paving restoration shall not preclude the permittee from performing the required pavement restoration as stated in § 197-2.Subsection F herein, except that the finish elevation of the asphalt restoration may be lowered by two inches in anticipation of a pending milling operation. Lowering of the restoration area will not be permitted if milling and paving operations are not being performed within 48 hours of the restoration or in advance of

a weekend or holiday. In no case shall the final asphalt thickness of a lowered restoration area be less than two inches in thickness.

E. Street openings for the purposes of installing new or replacing old water or sewer laterals under the ownership and maintenance of the City of Ventnor City shall be exempt from this portion of road restoration.

§ 197-4. Issuance and term of permit; emergency openings.

A. Issuance and term of permit.

(1) The Municipal Clerk of the City of Ventnor City is hereby authorized to issue a street opening permit to such person, firm, corporation, or company as shall apply for and pay the fees therefor as hereinafter mentioned.

(2) A street opening permit shall be valid for a period of not more than 30 calendar days from the date of issuance. Upon failure to perform the work within the time period as herein stated, the permittee shall forfeit the fees paid and be required to obtain a new street opening permit and pay the required fees.

(3) No street opening permit will be issued to any person, firm, corporation or company who will not actually be performing the work being requested in the permit. Utility companies or authorities utilizing subcontractors in servicing their facilities may apply and pay the fees for the street opening permit but only in the name of the subcontractor who will actually be performing the work.

B. Emergency openings.

(1) Nothing in this article shall prevent or hinder the rights of the public utility company from performing a street opening for access to their facilities in the case of an emergency affecting the health, safety, and welfare of the general public or to prevent loss or damage to municipal streets, or in order to provide the continuation of service. However, the declaration of emergency work shall not be justified by the public utility company's failure to maintain their facilities in proper and safe fashion to prevent the necessity of emergency openings.

(2) In the event of a need to perform an emergency opening, the public utility company shall be responsible for first notifying the emergency mark out call at 811 and notifying the Municipal Clerk, if during normal municipal business working hours or, if outside normal municipal business working hours, the Ventnor City Police Department prior to the performance of the opening. The public utility company shall be required to submit the required permit information and fees in accordance with this article on the next municipal business day of the emergency opening. Such permit filing shall also include the reason for the opening and the descriptive their work performed.

(3) Should it be determined by the governing body of the City of Ventnor City based on the number of emergency openings performed by a public utility company that the number of emergency openings being performed in a specific area of the City indicates need to permanently repair or replace the facility, the public utility company shall be so notified in writing by the City Administrator. The public utility shall be required to submit a plan to the City within 30 calendar days of said notice to permanently repair or replace their facility in order to eliminate the occurrence of emergency openings. After submission of the plan to the City, the public utility company shall have 60 calendar days to obtain the necessary street opening permits and initiate the repair or replacement work. Failure of the public utility to provide the information as required in this subsection shall entitle the City of Ventnor City to declare a public health hazard and petition the Board of Public Utilities to mandate that the public utility company make the necessary repairs or replacement of their facility.

§ 197-5. Fees, sureties and escrow deposits.

In order to defray the expense of issuing the permit of the work being performed under the street opening permit and assurance that the work is being performed in the interests of the public health, safety, and welfare, the fees for each street opening permit shall be as follows:

A. Fees.

(1) For each opening or excavation not greater than 25 square feet in surface area outside of the paved cartway of any municipal street, avenue, road, or highway, the amount of \$250.

(2) For each opening or excavation not greater than 25 square feet in surface area within the paved cartway of any municipal street, avenue, road, or highway, the amount of \$50, plus \$2.50 per square foot above 25 square feet.

B. Surety deposits.

(1) The company to which the permit is issued shall also deposit with the Municipal Clerk, prior to the issuance of any permit, a performance guaranty in the form of a performance bond, certified or cashier's check made out to the City of Ventnor City, or cash in an amount equal to the total calculated value of the area of restoration based on the unit prices provided below, but not less than \$250; as follows:

(a) Asphalt, base course: \$40 per square yard.

(b) Asphalt, top course: \$10 per square yard.

(c) Roadway milling: \$10 per square yard.

(d) Concrete curb: \$30 per linear foot.

(e) Concrete gutter: \$30 per linear foot.

(f) Concrete sidewalk: \$65 per square yard.

(g) Concrete driveway: \$85 per square yard.

(2) In lieu of the required performance guaranty, a public utility company, as defined in Title 48, Chapter 2, Section 13, of the Revised Statutes of New Jersey (N.J.S.A. 48:2-13 et seq.) may file with the Municipal Clerk a yearly performance guaranty in the amount of \$30,000. The performance guaranty shall be posted with the Municipal Clerk not later than January 15 of each year and shall only be for work performed by employees of the public utility. Independent contractor work shall not be covered by the yearly public utility guaranty. The public utility company shall have the right to request the governing body to reduce the amount of the yearly performance guaranty based on a submitted schedule of work for the year. If found acceptable, the governing body may reduce the yearly performance guaranty to an amount established by resolution for that year. Such passage of a resolution shall not entitle the public utility company to reductions in future years without proper submission of the yearly schedules as above required.

(3) The performance guaranty shall be held until completion of the work and conditioned upon either the public utility or contractor restoring to the conditions and within the time limits as outlined in the permit or elaborated in § 197-2 of this article, or both. Upon notification of completion of the work to the Municipal Clerk, the Public Works Supervisor, or his designated representative, shall inspect the work within five municipal working days. The Public Works Supervisor shall certify to the Municipal Clerk that the work is either satisfactory or unsatisfactory. If unsatisfactory, the conditions necessary to approve the work shall be so specified.

(4) Should the public utility or contractor fail to perform the work as outlined herein, the City of Ventnor shall have the right to perform the restorative work and the costs therein reimbursed by and through the performance guaranty.

C. Inspections and police directors.

(1) The City reserves the right to require the applicant to submit a separate inspection escrow fee should the amount of the restorative work dictate full-time inspection. The amount of the inspection escrow fee shall be determined by the City based on an estimate provided by the City Engineer and approved by the City Administrator. Prior to the issuance of the street opening permit by the City Clerk, the applicant shall provide the necessary inspection escrow in cash or check. Unused inspection escrow monies will be returned to the applicant upon certification by the City Engineer to the City Clerk that the work has been satisfactorily performed.

(2) The City reserves the right to require the applicant to submit a separate police director escrow fee should it be determined by the Ventnor Chief of Police that police traffic directors are necessary during the course of construction in the interests of public safety. The amount shall be established by the Chief of Police to the City Administrator based on established salary rates in accordance with the City Salary Ordinance. Prior to the issuance of the street opening permit by the City Clerk, the applicant shall provide the necessary police director escrow fee in cash or check. Unused police director escrow monies will be returned to the applicant upon certification of satisfactory completion of the work.

§ 197-6 Violations and penalties.

Any person, firm, or corporation who shall violate any of the provisions of this article shall, upon conviction thereof before the governing body or other proper officer who shall try same, be subject to a fine not exceeding the sum of \$1,000 or to imprisonment for a period not exceeding 90 days. 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, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

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

FIRST READING: October 20, 2016

PUBLICATION: October 24, 2016

PUBLIC HEARING: November 17, 2016