

# Ordinance

Ordinance No. 43

OF THE  
CITY OF ATLANTIC CITY, N.J.

Date..7-17-2024...  
Date to Mayor..8-15-2024....

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

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City Solicitor/ Michael Perugini

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Director of Public Works/s/ Crystal Lewis

Prepared by the City Solicitor's Office

Council Member SHABAZZ Presents the following Ordinance:

## **AN ORDINANCE TO AMEND THE ATLANTIC CITY CODE TO REGULATE ACCESS TO ELECTIC UTILITY POLES IN THE CITY OF ATLANTIC CITY**

**WHEREAS**, electric utility poles within the City of Atlantic City are not, and have never been, designed for the use or enjoyment of the members of the public, but rather are areas reserved for the maintenance and safety of the Boardwalk and its services and equipment by employees or contractors of the City or other licensed personnel; and

**WHEREAS**, the City of Atlantic City maintains, or permits the maintenance of and access to electric utility poles and equipment located within the City that are necessary for maintenance of these services and equipment throughout the City; and

**WHEREAS**, in recent years some members of the public have, without authorization, gained access to these electric utility poles and have accessed the utility services located therein in a fashion that has substantially interfered with the ability of the City to maintain and utilize these services and equipment; and

**WHEREAS**, it is therefore of significant importance to the public safety and public interest of the residents, businesses, and visitors of Atlantic City that access to electric utility poles within the City be restricted to those employees of the City or any licensed contractors or other licensees properly engaged in the maintenance of these services and equipment, and that members of the public be prohibited from access to these areas; and

**WHEREAS**, the problems created by accessing electric utility poles within the City threaten the health, safety and welfare of City residents and visitors; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Atlantic City that:

**SECTION 1: Chapter 92 of the Atlantic City Code is amended as follows:**

Chapter 92-5.1: Access under Boardwalk restricted: definitions.

Chapter 92-5.2: Access to electric utility poles on and around the Boardwalk restricted.

- A. Except for City personnel/contractors or permitted personnel/contractors or medical or law enforcement personnel responding to an emergency, it shall be unlawful for any person to gain access to City electric utility poles on or around the Boardwalk of the City of Atlantic City at any time.

**SECTION 2: Chapter 204 of the Atlantic City Code is amended as follows:**

Chapter 204-27.1: Boisterous activity which creates disturbances.

Chapter 204-27.2: Except for City personnel/contractors or permitted personnel/contractors or medical or law enforcement personnel responding to an emergency, it shall be unlawful for any person to gain access to electric utility poles within the City of Atlantic City. This subsection shall not be subject to the provisions of Chapter 204-30.

**SECTION 3:** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to remedy the inconsistency.

**SECTION 4:** This Ordinance shall become effective upon final passage and publication as provided by law.

July 17, 2024            7-H

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
CROUCH	X					X	SHABAZZ	X				X	
DUNSTON				X			TIBBITT	X					
KURTZ	X						WEEKES	X					
MARSHALL	X						ZIA				X		
RANDOLPH, PRESIDENT								X					
X-Indicates Vote		NV-Not Voting		AB-Absent		MOT-Motion		SEC-Second					

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...JULY 17, 2024.....

Adopted on second and final reading after hearing on...AUGUST 14, 2024.....

Approved By.../s/ [Signature].....Date... 8-28-24 .....By Council.....Reconsidered \_\_\_\_\_ Over \_\_\_\_\_

Mayor

Aye

Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

/s/ [Signature] PAULA GELETEI, City Clerk