

**CITY OF NORTH WILDWOOD**  
**COUNTY OF CAPE MAY, NEW JERSEY**

**ORDINANCE NO. 1946**

**AN ORDINANCE ADOPTING A REVISION AND RECODIFICATION OF  
THE ORDINANCES OF THE CITY OF NORTH WILDWOOD, COUNTY  
OF CAPE MAY, STATE OF NEW JERSEY**

**WHEREAS**, from time to time the Code of the City of North Wildwood, comprising ordinances adopted by City Council, needs to undergo an analysis and review process for purposes of revision, clarification and comparison to other ordinances and State and Federal statutes; and

**WHEREAS**, an analysis and review process has been recently completed for the Code of the City of North Wildwood, the appertaining results of which require adoption by ordinance for incorporation into the Code.

**THEREFORE, BE IT ORDAINED** by the City Council of the City of North Wildwood, in the County of Cape May, State of New Jersey, as follows:

**Section One. Code adopted; existing ordinances continued.**

Pursuant to N.J.S.A. 40:49-4, the ordinances of the City of North Wildwood of a general and permanent nature adopted by the City Council of the City of North Wildwood, as revised and codified and consisting of Chapters 1 through 430, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the City of North Wildwood, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1981 Code of the City of North Wildwood, as renumbered and readopted in 1998, and as subsequently amended and supplemented.

**Section Two. Code on file; additions and amendments.**

- A. A copy of the Code has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified to by the Clerk of the City of North Wildwood by impressing thereon the Seal of the City, as provided by law, and such certified copy shall remain on file in the office of the City Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the City Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of North Wildwood" shall be understood and intended to include such additions and amendments.

**Section Three. Notice; publication.**

The Clerk of the City of North Wildwood shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with filing of the Code in the office of the City Clerk as provided in Section Two shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

#### **Section Four. Severability.**

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

#### **Section Five. Repealer.**

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the City of North Wildwood which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following chapters and articles of the 1981 Code of the City of North Wildwood have been excluded from the Code and are specifically repealed:
- (1) Chapter 1, Article I, Adoption of Code, adopted 8-4-1981 by Ord. No. 790.
  - (2) Chapter 1, Article II, Adoption of 1998 Renumbering of Code, adopted 5-19-1998 by Ord. No. 1292.
  - (3) Chapter 7, Civil Service Schedules, adopted 5-2-1958 by Ord. No. 394.
  - (4) Chapter 15, Commissioners of Assessment, Board of, adopted 4-3-1923 by Ord. No. 174.
  - (5) Chapter 91, Tax Assessor, adopted 1-7-1969 by Ord. No. 528.
  - (6) Chapter 114, Alcoholic Beverages, Article VI, Legality of Minors Consuming Alcoholic Beverages on Private Property, adopted 8-1-2000 by Ord. No. 1373.
  - (7) Chapter 142, Billboards and Advertising, adopted 8-16-1924 by Ord. No. 195.
  - (8) Chapter 182, Burning, adopted 1-15-1947 by Ord. No. 315, as amended.
  - (9) Chapter 196, Coastal Beach Zone, adopted 1-15-1972 by Ord. No. 578, as amended.
  - (10) Chapter 216, Drug Paraphernalia, adopted 5-1-1979 by Ord. No. 735, as amended.
  - (11) Chapter 286, Loitering, adopted 5-26-1972 by Ord. No. 584, as amended.
  - (12) Chapter 316, Parades, adopted 8-7-1984 by Ord. No. 872, as amended.
  - (13) Chapter 348, Restaurants, adopted 5-15-1953 by Ord. No. 348, as amended.
  - (14) Chapter 352, Retail Food Establishments, adopted 5-7-1968 by Ord. No. 517, as amended.
  - (15) Chapter 356, Rolling Chairs and Tram Cars, adopted 5-4-1982 by Ord. No. 813, as amended.
  - (16) Chapter 382, Streets and Sidewalks, Article III, Use of Streets, adopted 8-5-1924 by Ord. No. 124, as amended.
  - (17) Chapter 390, Swimming and Wading Pools, adopted 5-26-1972 by Ord. No. 583, as amended.
  - (18) Chapter 426, Vehicles, Storage of, adopted 7-2-1968 by Ord. No. 516, as amended.

**Section Six. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in Section Five of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to May 7, 2024.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

**Section Seven. Changes in previously adopted ordinances.**

- A. In preparing the revision and codification of the City's ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they appear in the Code.)
- C. Nomenclature changes. Throughout the Code, the following titles have been updated as follows:

- (1) References to the “*Board of Chosen Freeholders*” are amended to refer to the “*Board of County Commissioners.*”
- (2) References to the “*Department of Environmental Protection and Energy*” are amended to refer to “*Department of Environmental Protection.*”
- (3) References to the *Map Filing Act, P.L. 1960 c. 141 (N.J.S.A. 46:23-9.9 et seq.)* are amended to refer to *Map Filing Act, P.L. 2011, c. 217 (N.J.S.A. 46:26B-1 et seq.)*.

**Section Eight. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

**Section Nine. Altering or tampering with Code; violations and penalties.**

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the City of North Wildwood to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to one or more of the following penalties: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

**Section Ten. When effective.**

This ordinance shall take effect immediately upon final passage and publication as provided by law.

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Patrick T. Rosenello, Mayor

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W. Scott Jett, City Clerk

Introduced: August 20, 2024  
Advertised: August 21, 2024  
Hearing/Final: September 3, 2024  
Advertised: September 11, 2024

**City of North Wildwood, NJ  
Code Adoption Ordinance**

**Schedule A  
Specific Revisions at Time of Adoption of Code**

**Chapter 3, Administrative Code.**

Section 3-18A is amended to delete “*the Zoning Board.*”

Section 3-29B(2) is amended to read as follows:

- (2) *Appointment.* ~~Pursuant to N.J.S.A. 40:46-6.2c and Chapter 91 of the Code of the City of North Wildwood, there shall continue to~~ There shall be but one Tax Assessor for the City of North Wildwood, appointed by the City Council pursuant to law.

Section 3-32C(1), (5) and (6) are amended to read as follows:

- (1) *The Zoning Officer shall be authorized to administer and enforce* ~~the Zoning Ordinance Chapter 276, Land Development, of the Code of the City of North Wildwood. He/she shall have the authority to interpret all the sections of the Zoning Ordinance Chapter 276, Land Development, unless stipulated otherwise within, and his/her interpretation shall be binding unless appealed to, and overturned by, the Zoning Board of Adjustment~~ Planning Board or a court of competent jurisdiction.
- (5) *The Zoning Officer shall serve as an advisor to* ~~both the Planning Board and the Zoning Board of Adjustment. In this capacity, he/she shall act as the liaison between City Council, the administration, and the general public with both the Planning Board and the Zoning Board of Adjustment. As advisor of the Planning Board and the Zoning Board of Adjustment, the Zoning Officer shall sit with both boards~~ the Planning Board, serving as an advisor. He/she shall review all applications and make recommendations to the boards Planning Board. *In no case shall the Zoning Officer vote in the proceedings of either board* ~~the Planning Board.~~
- (6) *The Zoning Officer shall be empowered to conduct and produce any studies, reviews, or reports dealing with the City of North Wildwood Master Plan, Zoning Ordinance Chapter 276, Land Development, and development or capital improvement projects, as directed by the Planning Board, Zoning Board of Adjustment, City Council, Mayor, or City Administrator.*

Section 3-32C(4) is amended to read as follows:

- (4) *The Zoning Officer shall issue or deny a zoning permit within 10 business days of receipt of a request therefor. If the Zoning Officer fails to grant or deny a zoning permit within this period, the failure shall be deemed to be an approval of the application for the zoning permit.*

Section 3-34C(4) is amended to read as follows:

- (4) *The Construction Official shall provide assistance to the Planning Board* ~~and the Zoning Board of Adjustment.~~

Section 3-37A, B(1) and B(4) are amended to read as follows:

- A. *Creation of Office.* There shall be a Municipal Judge in and for the City of North Wildwood pursuant to the provisions of N.J.S.A. 2A:8-5 N.J.S.A. 2B:12-6 and Chapter 19, Court, Article I, of the Code of the City of North Wildwood.
- B(1) *Qualifications.* The Municipal Judge shall have credentials consistent with the provisions of N.J.S.A. 2A:8-7 N.J.S.A. 2B:12-7.
- B(4) *Salary.* The Municipal Judge shall receive such compensation as set forth in the Salary Ordinance of the City of North Wildwood and as provided for in N.J.S.A. 2A:8-9 N.J.S.A. 2B:12-7.

Section 3-41A is amended to change “N.J.S.A. 2A:8-13” to “N.J.S.A. 2B:12-10.”

Section 3-49C is amended to delete “Zoning Board of Adjustment.”

Section 3-53C is amended to read as follows:

- C. *Function.* The Legal Department shall perform all the appropriate functions regarding legal matters for the City of North Wildwood and shall coordinate the Offices of the

*Prosecutor and Attorney for the Planning Board, and Attorney for the Zoning Board of the City of North Wildwood.*

Original § 3-66 of the 1981 Code, Board of Commissioners of Assessment, is repealed.

## **Chapter 19, Court.**

### **Article I, Municipal Court.**

Section 19-1 is amended to read as follows:

*A Municipal Court for the City of North Wildwood, in the County of Cape May, is established as of January 1, 1949, pursuant to the provisions of Chapter ~~264~~ 293 of the Laws of ~~1948~~ 1993, as amended and supplemented (N.J.S.A. 2B:12-1 et seq.).*

Section 19-7 is amended to read as follows:

*Pursuant to N.J.S.A. 2B:12-10, there is hereby created and established in and for the City of North Wildwood the position of Municipal Court Administrator and Deputy Municipal Court Administrator. There may be other employees of the Municipal Court as the City Council may authorize. The Municipal Court Administrator shall perform such functions and duties as shall be prescribed by law, the rules applicable to municipal courts and by the Municipal Judge.*

## **Chapter 29, Environmental Commission.**

Section 29-1E is amended to read as follows:

*E. The Mayor shall also appoint two alternates, designated as "Alternate No. 1" and "Alternate No. 2." Each alternate shall serve a two-year term, except that the term of the first alternate appointed to the Commission shall be for the period of one-year and the second alternate for a period of two-years so that the term of not more than one alternate member shall expire in any one year. A vacancy with respect to the alternate members shall also be filled by the Mayor for the unexpired term only. An alternate member may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member. No vote shall be delayed in order that a regular member may vote instead of an alternate member. If both alternates are present during the discussion and vote of one of them is necessary by reason of the absence or disqualification of a regular member, Alternate No. 1 shall be the alternate entitled to vote. An alternate member may, after public hearing, if he requests one, be removed by the governing body for cause.*

## **Chapter 33, Ethics, Code of.**

In the definition of "officer" in § 33-4A, the following subsections are repealed:

- (22) *Zoning Board of Adjustment member.*
- (23) *Zoning Board of Adjustment Attorney.*
- (26) *Assessment Commissioners.*
- (28) *Members of the Lighthouse Commission.*

Section 33-13A and B are amended to read as follows:

- A. *An appointed officer or employee of the City of North Wildwood found guilty by the City of North Wildwood Ethical Standards Board of the violation of any provision of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than ~~\$1,250~~ \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. ~~2A:58-1~~ 2A:58-10 et seq. The City of North Wildwood Ethical Standards Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.*
- B. *An elected officer or employee of the City of North Wildwood found guilty by the City of North Wildwood Ethical Standards Board of the violation of any provision of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than ~~\$1,250~~ \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law of 1999 (N.J.S.A. ~~2A:58-1~~ 2A:58-10 et seq.).*

## Chapter 37, Fire Departments.

### **Article IV, North Wildwood Fire Department Junior Firemen's Auxiliary**

Article IV is amended to change “*Junior Firemen’s Auxiliary*” to “*Junior Firefighters’ Auxiliary.*”

## Chapter 61, Officers and Employees.

### **Article III, Purchasing Agent.**

Article III was relocated to Ch. 3, Administrative Code, as § 3-43.2, Purchasing Agent.

## Chapter 65, Organization Meeting of Council.

Section 65-1 was relocated to Ch. 3, Administrative Code, as § 3-5.1, Date and time of annual organization meeting of Council.

## Chapter 85, Retirement.

### **Article I, Defined Contribution Retirement Program.**

Original § 85-1E of the 1981 Code, Zoning Board Solicitor, is repealed.

## Chapter 110, Adult Uses and Nudity.

### **Article I, Public Dancing or Exhibition.**

Section 110-5 is amended to read as follows:

*A person, corporation or association of persons convicted of violating any of the provisions of this article shall, upon conviction, be subject to a fine of not more than ~~\$1,250 or imprisonment in the county jail for not more than 90 days, or both \$2,000, or imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

### **Article II, Nudity.**

Section 110-8 is amended to read as follows:

*Anyone convicted of a violation of this article shall be subject to a fine of not more than ~~\$1,250 or imprisonment in the county jail for not more than 90 days, or both \$2,000, or imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

### **Article III, Obscenity and Adult Businesses.**

Section 110-16 is amended to read as follows:

*Any person, partnership, corporation or association of persons convicted of a violation of this article shall, upon conviction thereof, be subject to a fine of not more than ~~\$1,250 or imprisonment in the county jail for not more than 90 days, or both \$2,000, or imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

## Chapter 114, Alcoholic Beverages.

### **Article I, Licensing and Sale Regulations.**

Section 114-2 is amended to read as follows:

*The fees for all licenses for the sale of alcoholic beverages, as prescribed by law, hereby are fixed as follows:*

- A. Plenary retail consumption licenses: \$2,500 per annum.*
- B. Plenary retail distribution licenses: \$2,500 per annum.*
- C. Club licenses: \$150 per annum.*

Original § 114-4D of the 1981 Code, regarding approaches and connections to the Boardwalk, is repealed.

Original § 114-10K of the 1981 Code, regarding fingerprinting of licensees, is repealed.

Section 114-11 is amended to read as follows:

Except as otherwise set forth in N.J.S.A. 33:1-1 et seq., any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed \$1,250 or imprisonment for a term not to exceed 90 days, or both subject to a fine of not more than \$2,000, or imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof.

## **Article II, Purchase by Minors.**

Section 114-17 is amended to read as follows:

*Except as otherwise set forth in N.J.S.A. 33:1-1 et seq., any person violating any provision of this article shall, upon conviction, be subject to a fine of not more than \$2,000, or imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## **Article III, Use by Minors.**

Section 114-22 is amended to read as follows:

Except as otherwise set forth in N.J.S.A. 33:1-1 et seq., any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed \$1,250 or imprisonment for a term not to exceed 90 days, or both subject to a fine of not more than \$2,000, or imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof.

## **Chapter 118, Ambulance and Rescue Services.**

Original § 118-8 of the 1981 Code, Violations and penalties, is repealed.

## **Chapter 122, Amusement Games.**

Sections 122-2A and 122-3B are amended to change “State Commissioner of Amusement Games Control” to “Legalized Games of Chance Control Commission.”

Section 122-5 is amended to read as follows:

*Any person violating any provision of this chapter shall, upon conviction, be punishable by a fine not to exceed \$1,250 or imprisonment for a term not to exceed 90 days, or both, \$2,000, imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof; and the same shall be in addition to the powers of suspension or revocation of any such license by the governing body.*

## **Chapter 126, Animals.**

### **Article I, Animals at Large.**

Section 126-3.1 is amended to read as follows:

*Any person who shall violate the provisions of this article shall, upon conviction, ~~thereof, be subject to a fine not exceeding \$1,250, imprisonment for a term not to exceed 90 days, or both~~ be punishable by a fine not to exceed \$2,000, imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

### **Article II, Pigs and Swine.**

Section 126-5 is amended to read as follows:

*Any person who shall violate the provisions of this article shall, upon conviction, ~~thereof, be subject to a fine not exceeding \$1,250, imprisonment for a term not to exceed 90 days, or both~~ be punishable by a fine not to exceed \$2,000, imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

### **Article III, Keeping of Dogs.**

Section 126-13 is amended to read as follows:

*Any person convicted of a violation of this article shall, upon conviction thereof, be subject to a penalty of a fine of not more than \$1,250 or by imprisonment in the county jail for not more than 90 days, or both, \$2,000, imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof, with the following exception:*

## **Article IV, License Fees.**

Section 126-14.1 is added to read as follows:

### **§ 126-14.1. Exemption from dog license fee.**

*Dogs used as guides dogs or service dogs (as defined in N.J.S.A. 10:5-5) shall be licensed and registered as other dogs as hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor. A dog temporarily placed in a foster home as part of a formalized training to be a guide dog or service dog shall not be required to be licensed and registered while the dog remains in the foster home for such training.*

## **Article V, Wildlife Feeding.**

Section 126-19 is amended to read as follows:

*Any person(s) who is found to be in violation of the provisions of this article shall, ~~be subject to a fine not to exceed \$1,250 for each offense or imprisonment for a term not exceeding 90 days, or both~~ upon conviction, be punishable by a fine not to exceed \$2,000, imprisonment in the county jail for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## **Article VI, Pet Solid Waste Disposal.**

Section 126-24 is amended to read as follows:

*Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$1,250 for each offense or imprisonment for a term not exceeding 90 days, or ~~both~~ \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day that a violation continues after written notification that a violation exists shall constitute a separate offense.*

## **Article VII, Keeping of Cats.**

Section 126-25 is amended to repeal the definition of “animal.”

## **Chapter 130, Auction Houses and Sales.**

Section 130-2 is amended to read as follows:

*Any person, partnership, corporation or other combination of persons violating the provisions of this chapter shall be subject to ~~imprisonment in the county jail for a term not to exceed 90 days or to a fine not to exceed \$1,250, or both~~ a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day of operation shall be considered a separate offense.*

## **Chapter 138, Beaches.**

### **Article I, Government, Supervision, Use and Policing.**

Section 138-30(1)(c) is amended to read as follows:

(c) *Any person or association of persons not undertaking, in connection with a dog in his/her/their control, the immediate cleanup and disposal of dog solid waste on the beach, as outlined in § 126-12, Soiling and defilement by dogs, of the Code of the City of North Wildwood, shall be subject, upon conviction, to a fine of not less than \$100 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense to the fines set forth in § 126-13A.*

Section 138-4 is amended to read as follows:

*Any person or association of persons violating any provision of this article shall, upon conviction thereof, be punishable by a fine not to exceed \$1,250 or imprisonment in the county jail for a term not to exceed 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

### **Article II, Operation of Vehicles.**

Section 138-6A(3) is amended to read as follows:

(3) *On the Front Beach, from the intersection of John F. Kennedy Beach Drive and 2nd Avenue to 26th Avenue: from the day after Labor Day until September 30 and from May 1 until the third Friday in May, from 4:00 a.m. until 9:00 a.m. and from 6:00 p.m. until 9:00 p.m.*

Section 138-15 is amended to read as follows:

*Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed ~~\$1,250 or imprisonment for a term not to exceed 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof~~, or to revocation or suspension of his or her license or permit, with respect to any or all of his or her licensed registered motor vehicles or all-terrain vehicles, cycles and bikes, or to all or any of said penalties, within the sole discretion of the Municipal Judge. If the violation is caused by the operation of an all-terrain vehicle, cycle or bike not registered to the permit holder, the permit of the offending all-terrain vehicle, cycle or bike may also be suspended or revoked in the discretion of the Municipal Court Judge, upon notice by summons to the holder thereof. The Chief of Police shall have the authority, in his discretion, to suspend the permit, license or the right of the offender to use the beaches pending a hearing before the Municipal Court Judge upon charges made. No license or permit holder shall be permitted to obtain a new license or permit for any motor vehicle during the period of suspension; nor, upon revocation, shall the permit holder or license holder obtain a new permit or license for a period of one year after his or her conviction.*

#### **Article IV, Public Bathing Beaches.**

Section 138-32 is amended to read as follows:

*Any person or association of persons convicted of a violation of this article shall, upon conviction thereof, be subject to a fine ~~of up to \$1,250 or imprisonment in the county jail for up to 90 days, or both not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

#### **Article V, Hereford Inlet Seawall.**

Section 138-35 is amended to read as follows:

*Any person convicted of a violation of this article shall, ~~be subject to a fine of up to \$1,250 or imprisonment in the county jail for up to 90 days, or both.~~ upon conviction thereof, be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

### **Chapter 150, Boardwalk.**

#### **Article I, Conduct of Users.**

Section 150-6 is amended to read as follows:

*Any person convicted of a violation of this article shall, upon conviction thereof, be ~~subject to a fine of not more than \$1,250 or imprisonment in the county jail for not more than 90 days, or both~~ punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

#### **Article II, Motor Vehicles.**

Section 150-9 is amended to read as follows:

*Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed ~~\$1,000 or imprisonment for a term not to exceed 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

### **Chapter 154, Boats, Docks and Wharves.**

#### **Article I, Floating Homes.**

Section 154-4 is amended to read as follows:

*Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed ~~\$1,250 or imprisonment for a term not to exceed 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~ A separate offense shall be deemed committed on each day such violation occurs or continues.*

#### **Article II, Sailboats.**

Section 154-14 is amended to read as follows:

*Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed ~~\$1,250 or by imprisonment for a term not to exceed 90 days, or both \$2,000,~~*

imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.

### **Article III, Use of Kayaks on the Beach Front.**

Section 154-20 is amended to read as follows:

Any person convicted of a violation of the provisions of this article shall, upon conviction thereof, be subject to a fine of up to \$1,250, imprisonment in the county jail for up to 30 days, or both not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.

### **Chapter 158, Body Piercing.**

Section 158-7 is amended to read as follows:

Any person, partnership, firm or corporation who violates any section of this chapter shall, upon conviction thereof, be subject to imprisonment not exceeding 90 days and/or a fine of not less than \$100 nor more than \$1,250 punishable by a fine of not more than \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.

### **Chapter 162, Brush, Grass and Weeds.**

Section 162-10 is amended to read as follows:

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be subject to a fine of no more than \$1,250 or imprisonment for not more than 90 days, or both not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

### **Chapter 166, Buildings, Demolition of.**

Section 166-7A is amended to read as follows:

Any violation hereunder shall be considered an offense punishable by a fine not to exceed \$1,250 for each offense, or imprisonment for a term not exceeding 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. The following rules shall apply in determining responsibility for violations and penalties:

### **Chapter 170, Buildings, Numbering of.**

#### **Article II, Numbering and Lettering.**

Section 170-8 is amended to change “three inches in height” to “four inches in height.”

Section 170-11 is amended to read as follows:

Any person, firm, corporation, business or association of individuals who shall violate any provision of this article shall, upon conviction thereof, be punished by a fine not to exceed \$1,250 or imprisonment for a term not to exceed 90 days, or both be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.

### **Chapter 174, Buildings, Unfit.**

Section 174-7 is amended to read as follows:

Any person violating any of the provisions of this article, upon conviction thereof, shall be subject to a fine of not less than \$500 and not more than \$1,250 or by imprisonment for a term not exceeding 90 days, or both punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this article shall be recoverable from the owner and shall be a lien upon the property.

Sections 174-9 and 174-12 are amended to change “N.J.S.A. 40:48-2.12s” to “N.J.S.A. 40:48-2.12s1 et seq.”

## Chapter 178, Bulkheads.

Section 178-12 is amended to read as follows:

*Any person violating any provision of this chapter, upon conviction thereof, shall be punished by a fine not exceeding \$2,000, ~~or by imprisonment for a term not exceeding 90 days, or both or by imprisonment for a term not exceeding 90 days, or community service for not more than 90 days, or any combination thereof.~~ A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.*

## Chapter 186, Buses.

Section 186-5 is amended to read as follows:

*Any person or association of persons convicted of a violation of the provision of this chapter shall, upon conviction thereof, be subject to a fine ~~of at least \$100 and not more than \$1,250 or imprisonment in the county jail for not more than 90 days, or both~~ of not more than \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day that a violation continues shall constitute a separate offense.*

## Chapter 202, Construction Sites.

Section 202-14 is amended to read as follows:

*Any violation hereunder shall be considered an offense punishable by a fine not to exceed \$1,250 ~~for each offense or imprisonment for a term not exceeding 90 days, or both~~ \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. The following rules shall apply in determining responsibility for violations and penalties:*

## Chapter 203, Construction Surveys.

Section 203-2A, B and C are amended to delete “the North Wildwood Zoning Board of Adjustment.”

## Chapter 212, Dish Antennas.

Section 212-9 is amended to read as follows:

*Any person who violates any provision of this chapter shall, for each and every violation thereof and for each and every day that said violation continues to be in existence, ~~be subject to a fine not to exceed \$1,250 or imprisonment for a term not to exceed 90 days, or both~~ be punishable by a fine of not more than \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 217, Dumpsters and Portable Storage Containers.

### Article II, Covering of Dumpsters.

Section 217-12 is amended to read as follows:

*Any person(s) who is (are) found to be in violation of the provisions of this article ~~shall be subject to a fine not to exceed \$1,250~~ shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day that a violation continues shall constitute a separate offense.*

### Article III, Portable Storage Containers.

Section 217-20 is amended to read as follows:

*Any person(s) who is (are) found to be in violation of the provisions of this article ~~shall be subject to a fine not to exceed \$1,250~~ shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day that a violation continues shall constitute a separate offense.*

## Chapter 220, Emergency Services.

### Article I, 911 Emergency Response Service.

Section 220-2 is amended to read as follows:

*Any person convicted of improperly utilizing the 911 emergency service as set forth above shall be guilty of abusing the service and ~~shall be subject to a fine not to exceed \$1,250 or imprisonment for a term not to exceed 90 days, or both~~ shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 228, Model Codes, Applicability of.

Section 228-3 is amended to read as follows:

*Any person or organization of persons convicted of a violation of any of the provisions of these New Jersey adopted Model Codes shall be subject to a fine of not less than \$100 and not more than ~~\$1,250, or imprisonment not exceeding 90 days, or both, at the discretion of the court~~ \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day that a violation continues after due notice has been served shall be deemed a separate offense.*

## Chapter 236, Firearms and Fireworks.

Section 236-2B is added to read as follows:

B. *This prohibition shall not apply to any duly appointed law enforcement officer in the course of his or her official duty.*

Section 236-3 is amended to read as follows:

*Any person violating the provisions of this chapter shall, upon conviction thereof, be punishable by a fine ~~of not more than \$1,250 or imprisonment for a term not exceeding 90 days, or both~~ not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 240, Fire Prevention

### Article II, Key Boxes.

In § 240-12A, the definition of “structure” is amended to change “BOCA National Building Code” to “International Building Code.”

Section 240-15B is amended to read as follows:

B. *Penalties. Any structure owner that violates any of the provisions of this article, upon conviction thereof, shall be subject to a fine ~~of up to \$1,250 and/or 90 days in the county jail for each day of offense or violation~~ not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof, for each day of offense or violation. Each day that a violation continues after the ten-calendar-day notification period expires shall constitute a separate offense. Upon conviction, a structure owner shall be ordered to make restitution to the City of North Wildwood in an amount equal to the sum of money expended by the City of North Wildwood in connection with the providing of the written notice of violation to the structure owner.*

## Chapter 244, Fire Zones.

Section 244-4 is amended to read as follows:

*Any person convicted of a violation of the provisions of this chapter shall, upon conviction thereof, be subject to a fine ~~of not more than \$1,250 or imprisonment in the county jail for not more than 90 days, or both~~ not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 248, Fishpound Nets.

Section 248-3 is amended to read as follows:

*Any person or persons found guilty of causing or maintaining a nuisance by the spreading of fishpound nets in violation of the provisions of this chapter shall, for each offense, upon conviction, be punishable by a fine ~~of not more than \$1,250 or imprisonment for a term not to~~*

~~exceed 90 days, or both not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~

## Chapter 252, Flood Damage Prevention.

Section 252-4 is amended to read as follows:

*No structure or land shall hereafter be constructed, relocated to, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), upon conviction thereof, shall be fined not less than \$1,250 or imprisoned for not more than 90 days, or both punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof, for each violation and, in addition, shall pay as restitution to the City of North Wildwood all costs and expenses incurred by the City in connection with investigating and prosecuting the violation. Nothing herein contained shall prevent the City of North Wildwood from taking such other lawful action as is necessary to prevent or remedy any violation.*

Section 252-1, the definitions of “Digital Flood Insurance Rate Map (DFIRM),” “Flood Insurance Rate Map (FIRM)” and “Flood Insurance Study (FIS),” and §§ 252-6A, 252-12A and 252-15F are amended to change “Federal Insurance Administration” to “Federal Insurance and Mitigation Administration.”

## Chapter 260, Handbills.

Section 260-8 is amended to read as follows:

*Any person, firm, corporation or other entity convicted of a violation of this chapter or any section thereof shall be ~~punished by a fine of up to \$1,250 or a term of imprisonment not to exceed 180 days, or both, in the discretion of the court~~ shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 266, Housing Standards.

Section 266-4 is amended to read as follows:

*Any person, firm or corporation who shall violate any of the provisions of this chapter, including the provisions of the New Jersey State Housing Code, shall, upon conviction, be punished by a fine not to exceed \$1,250 or by imprisonment in the county jail for a period not to exceed 90 days, or both, and each violation of any of the aforesaid provisions and each day the same is violated shall be deemed to be a separate and distinct offense \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each violation of any of the aforesaid provisions and each day the same is violated shall be deemed to be a separate and distinct offense.*

## Chapter 270, Improvement Districts.

### Article I, Tourism Improvement and Development District.

Section 270-10 is amended to read as follows:

*Any person violating any provision of this article shall be ~~subject to a fine not to exceed \$1,250 or imprisonment for a term not to exceed 90 days, or both~~ shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 276, Land Development.

Section 276-1 is amended by deleting “and a Zoning Board of Adjustment.”

The phrase “community residence for the developmentally disabled” is amended to read “community residence for persons with developmental disabilities” in the following sections of Chapter 276: in the definition of “community residence for the developmentally disabled” in § 276-7, and in §§ 276-15A(6), 276-15.1B(7), 276-16B(9), 276-17A(3), 276-18A(1)(b) and 276-18A(2)(b).

In § 276-7, the following definition of “body art establishment” is added:

*BODY ART ESTABLISHMENT – Any place or premises, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.*

In § 276-7, the definition of “municipal agency” is amended to delete “*Board of Adjustment.*”

In § 276-7, the definition of “*planned developments,*” which contained a definition of “planned commercial development,” is repealed.

In § 276-7, the definition of “*residential flat*” is repealed.

Section 276-8 is amended as follows:

- To change “*the City of North Wildwood is hereby divided into 20 districts*” to “*the City of North Wildwood is hereby divided into 22 districts.*”
- To add “*NWM North Wildwood Marina.*”
- To replace “*MC Motel Commercial*” with “*MC-1 Motel Commercial 1*” and “*MC-2 Motel Commercial 2.*”

Section 276-15A(7), regarding planned commercial development, is repealed.

Section 276-15.1C(2) is amended to read as follows:

*Bed-and-breakfast establishments as conditional uses under N.J.S.A. 40:55D-67 (see § 276-46 for standards).*

Section 276-16B(10) is amended to read as follows:

*Bed-and-breakfast establishments as conditional uses under N.J.S.A. 40:55D-67 (see § 276-46 for standards).*

Section 276-19I is amended to delete the last sentence, which read: “*See § 276-17J for other requirements.*”

Section 276-20E is amended to include the following minimum requirements for accessory buildings:

*Distance to rear line: 4 feet*

*Distance to other building: 8 feet*

Sections 276-22A(2) and 276-22.1A(2) are amended to change “*Coastal Area Review Act (N.J.A.C. 7:7E-1.1 et seq.) (CAFRA) and the New Jersey Department of Environmental Protection Waterfront Development Regulations*” to “*New Jersey Coastal Zone Management Rules, N.J.A.C. 7:7.*”

Section 276-22B(5)(a) is hereby amended to remove the footnote indicator “3,” adjacent to “Front yard” and “Rear yard.”

Sections 276-24B(1)(b)[3] and 276-24.1B(1)(b)[3], regarding the use of hotel and motel units as a primary residence, are repealed. (These two subsections contained duplicative wording.)

Section 276-24D(15), G, I(4), J(1)(a) and K(6) are amended to change “*MC Zoning District*” and “*Motel Commercial Zoning District*” to “*MC-1 Zoning District*” or “*Motel Commercial 1,*” as applicable.

Sections 276-24.1D(15), G, I(4), J(1)(a) and K(6) are amended to change “MC Zoning District” and “Motel Commercial Zoning District” to “MC-2 Zoning District” or “Motel Commercial 2,” as applicable.

Section 276-25C(4) is amended to delete “§ 276-25I hereinbelow and”

Section 276-25C(6) is amended to delete “§ 276-25H hereinbelow and”

Section 276-25C(14) is amended to change “RH Zoning District” to “B Boardwalk District.”

Section 276-25E(3) is amended to change “the Planning Board or Zoning Board of Adjustment, as the case may be” to “the Planning Board” in two locations.

Section 276-26E(2) is amended to change “New Jersey State Division of Coastal Resources, N.J.A.C. 7:7E-1.1 et seq.” to “New Jersey Coastal Zone Management Rules, N.J.A.C. 7:7”

Section 276-27A(8) is amended to change “RH (Resort Hotel) Zoning District” to “B Boardwalk Zoning District.”

Section 276-36A is amended to change “BOCA Basic Building Code” to “Uniform Construction Code.”

Section 276-40A(14) is amended to change “BOCA Building Code” to “International Building Code.”

Section 276-42B(5) is amended to change “the BOCA Basic Building Code, the National Swimming Pool Institute, or the Swimming Pool Code of New Jersey, 1970” to “the International Building Code or the International Swimming Pool and Spa Code.”

Section 276-46B(1) is amended to read as follows:

*Bed-and-breakfast establishments are permitted as conditional uses in the R-1, R-1.5 and R-2 Districts only. The use must be accommodated solely in an existing single-family dwelling which has been converted for such use and licensed by the New Jersey State Department of Community Affairs as a bed-and-breakfast establishment.*

Section 276-46H(1) is amended to read as follows:

*Principal uses which meet the definition of “water-oriented” uses pursuant to Article II shall be permitted in the BB District and the NWM North Wildwood Marina District, subject to review by the Planning Board for a determination of the appropriateness of the proposed use. Said uses must serve the general public and shall be of a commercial type.*

Original § 276-46K, Apartments/townhouses, is repealed.

Original § 276-46L, Residential flats above restaurants, is repealed.

Section 276-48C is amended to change “APT/TH District” to “TH District.”

Original § 276-51, Critical areas, is repealed.

Section 276-57L is amended to read as follows:

*The Planning Board, at least once a year, shall review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning*

ordinance amendment or revision, if any. The ~~Planning Board of Adjustment~~ shall send copies of the report and resolution to the governing body ~~and Planning Board~~.

Section 276-58J(2) is amended to read as follows:

*Where, in an application or appeal relating to a specific piece of property, the purposes of this chapter would be advanced by a deviation from the zoning requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from such zoning requirements; provided, however, that no variance from those departures enumerated ~~§ 276-55D hereinbelow~~ § 276-34 (N.J.S.A. 40:55D-70d) shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to ~~§ 276-58I~~ § 276-K, L and M of this chapter (N.J.S.A. 40:55D-60a).*

Section 276-58K is hereby amended to read as follows:

*Use variance, variances from conditional use standards, and major specific bulk variances. In particular cases and for special reasons, grant a variance to allow departure from the zoning provisions of this chapter to permit a use or principal structure in a district restricted against such use or principal structure; an expansion of a nonconforming use; deviation from a particular specification or standard set forth in this chapter as pertaining solely to a conditional use; an increase in the permitted floor area ratio as defined in Article II of this chapter and in N.J.S.A. 40:55D-4; an increase in the permitted density as defined in Article IV or VI of this chapter, as the case may be, and in N.J.S.A. 40:55D-4, except as applied to the required lot area for a lot or lots for detached one- or two-dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision, in which event applications would be made pursuant to ~~§ 276-55C~~ § 276-34 hereinabove; or a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the zoning district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members of the Board. The Class I and the Class III members of the Board shall not participate in the consideration of applications for development which involve relief pursuant to the paragraph or pursuant to N.J.S.A. 40:55D-70d.*

Section 276-60C(1) is amended to read as follows:

*The Planning Board, ~~as the case may be~~, shall hold a hearing on each application for development. ~~Each~~ The Planning Board shall make rules governing such hearings.*

Section 276-60E(2) is amended by changing “N.J.S.A. 2A:11-15” to “N.J.S.A. 2B:7-4.”

Sections 276-63C, 276-65C(6), 276-71, are amended to change “Board of Adjustment” (and “Zoning Board of Adjustment”) to “Planning Board.”

Sections 276-64C(1)(c), 276-64C(3)(a), 276-64C(3)(e), 276-64C(4), 276-65C(1)(c), 276-65C(3)(a), 276-65C(3)(e), 276-66C(1)(c), 276-66C(3)(a) and (e), 276-68B, 276-68H, 276-72A(2), 276-72A(3)(b), 276-72A(5)(b), 276-72A(6), 276-72C(1) and 276-72C(2) are amended to change “Planning Board or Zoning Board of Adjustment, as the case may be” to “Planning Board.”

Sections 276-64C(1)(a) and 276-66C(1)(a) are amended to change “appropriate Board” to “Planning Board.”

Section 276-65C(6) is amended to delete “and § 276-55D of this chapter” and to change “Zoning Board of Adjustment” to “Planning Board.”

Sections 276-64C(7) and (8), 276-65C(12) and 276-66C(6) are amended to change the reference from “§ 276-59F” to “§ 276-60F.”

Section 276-65C(9) is amended to change “(see § 276-59D)” to “(see § 276-60D).”

Section 276-67A is amended to make the following changes:

Application	Charge	Escrow
Appeals to City Council (see <del>§ 276-60</del> § 276-61 of this chapter)	\$135	\$550
Certified list of property owners [see <del>§ 276-59D(3)</del> § 276-60D(3) of this chapter]	\$0.25 per name or \$10, whichever is greater	
Copy of minutes, transcripts or decisions [see <del>§§ 276-59E(2) and 276-61C</del> § 276-60E(2) of this chapter]	<del>\$0.75 per page for first 1-10 copies of each page, then \$0.50 per page for pages 11-20 and \$0.25 for each page thereafter</del> <u>\$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger</u>	

Section 276-72A(4) is amended to read as follows:

*In accordance with § 276-68F of this Land Development Ordinance, all improvements for both site plans and subdivisions shall be inspected during the time of their installation under the supervision of the City Engineer. At the time of inspection, in addition to an evaluation and determination of the sufficiency of the engineering aspects of the improvements, the City Engineer shall evaluate and determine the correctness of the improvements relative to all aspects of the approved subdivision and/or site plan. Should any improvement, whether completed or under construction, be found by the City Engineer to be contrary to the subdivision and/or site plan as approved by the Planning Board ~~or Zoning Board of Adjustment~~, including any imposed conditions, such fact shall immediately be orally communicated to the developer or his/her appropriate representative on site and, thereafter, shall be communicated by the City Engineer in writing to the developer or his/her attorney. A copy of the written communication shall be immediately filed in the office of the City Clerk and additional copies shall be immediately forwarded to the Chairman of the Planning Board ~~or to the Chairman of the Zoning Board of Adjustment, as the case may be,~~ and to the Board's Attorney.*

Section 276-73B is amended to read as follows:

*Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof. A ~~\$15~~ fee as set forth in § 276-67A shall be paid to the administrative officer, on behalf of the City, for the requested certificate.*

Section 276-74B(1) is amended to read as follows:

*Fines. Any violation hereunder shall be considered an offense punishable by a fine not to exceed ~~\$1,250 for each offense or imprisonment for a term not exceeding 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~ The following rules shall apply in determining responsibility for violations and penalties:*

The definition of “Board” in § 276-79 and §§ 276-78C, 276-80A(2) and 276-81G are amended to change “Planning Board or Zoning Board” and “Planning or Zoning Board” and “Zoning Board” to “Planning Board.”

Section 276-80E is amended to change “N.J.A.C. 14:4-9” to “N.J.A.C. 14:8-4.1 et seq., Net Metering for Class I Renewable Energy Systems, and N.J.A.C. 14:8-5.1 et seq., Interconnection of Class I Renewable Energy Systems.”

Section 276-81C is amended to change the fee of \$100 to \$40.

## Chapter 280, Liens

### Article I, Failure to Pay Water Assessments.

Section 280-4 is amended to change “township” to “City.”

## Chapter 282, Littering.

Section 282-8, Inoperable vehicles, and § 282-10, Construction sites, are repealed.

Section 282-14B is amended to read as follows:

*Any violation or violations of any provision or provisions of this chapter shall be subject to a fine of not less than \$100 nor more than ~~\$1,250~~ \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day that any violation of any section of this chapter shall exist shall constitute a separate offense.*

## Chapter 292, Mercantile Licenses.

Section 292-4 is amended to delete the fee for taxicabs and to amend the following:

<i>Type of Business</i>	<i>Fee</i>
<i>Beach stand contract for the rental of beach chairs, umbrellas, flotation device and cabanas; <u>sunscreen application and sunscreen products</u></i>	<i>\$600</i>

Section 292-16 is amended to read as follows:

*Any person or persons that shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine up to ~~\$1,250 and/or 90 days in the county jail for each offense or violation~~ \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day said violation is continued shall constitute a separate offense.*

## Chapter 296, Mobile Home Trailers.

Section 296-4 is amended to read as follows:

*Any person, firm or corporation that shall violate any terms or provisions of this chapter shall, upon conviction thereof, be subject to ~~imprisonment for a term not exceeding 90 days or to a fine not exceeding \$1,250, or both~~ a maximum fine of \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 300, Motor Scooters, Motorbikes and Motorcycles.

Section 300-2 is amended to read as follows:

*Any person violating the provisions of this chapter shall, upon conviction thereof, ~~be punishable by a fine of not more than \$1,250 or imprisonment for a term not exceeding 90 days, or both~~ be subject to a maximum fine of \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 308, Noise.

Section 308-10D is amended to read as follows:

*Any person who violates an order issued pursuant to this section shall, for each day of violation, ~~be fined not less than \$200 nor more than \$1,250~~ be punishable by a fine of not more than \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

Section 308-12A is amended to read as follows:

*Any person who violates any provision of this chapter ~~shall be fined for each offense not more than \$1,250 or be imprisoned for a term not to exceed 90 days, or both~~ shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 322, Parks.

### Article I, General Park Regulations.

Section 322-5 is amended to read as follows:

*Any person or persons or association of persons violating any of the provisions of this article or any rule or regulation promulgated pursuant hereto shall, upon conviction thereof, be subject to a fine ~~of not more than \$1,250 or confinement in the county jail for a term not to exceed 90 days, or both~~ not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. In addition thereto, such person, persons or association of persons shall also be subject to requirement of replacement, repair or restoration of damaged or removed park property.*

### Article II, Bayfront Park.

Section 322-11 is amended to read as follows:

*Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed \$1,250 ~~or imprisonment for a term not to exceed 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

Section 322-12F is amended to read as follows:

*Any person violating any of the provisions of this section, upon conviction thereof, shall be subject to a fine of not more than \$1,250 ~~or imprisonment for a term not to exceed 90 days, or both~~ punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## Chapter 326, Peace and Good Order.

Section 326-11 is amended to read as follows:

*Any person or association or persons convicted of a violation of any provision of this Chapter 326 shall, upon conviction thereof, be subject to a fine ~~not exceeding \$1,250, or 90 days imprisonment in the City or county jail or for a period of community service not exceeding 90 days, or any combination of the three~~ not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

Original § 326-12D of the 1981 Code, which contained a penalty for violation of § 326-12, is repealed.

## Chapter 330, Peddling and Soliciting.

### Article I, Licensing Regulations.

Section 330-8 is amended to read as follows:

*Any person violating any provision of this article shall, ~~upon conviction, be punished for each offense by a fine not to exceed \$1,250 or by imprisonment for a term not to exceed 90 days, or both~~ upon conviction thereof, be punishable for each offense by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

### Article II, Vendors and Vending Units.

Section 330-17 is amended to read as follows:

*Any person violating any of the provisions of this article shall, upon conviction in a court of proper jurisdiction, be punished by a fine ~~not exceeding \$1,250 or by imprisonment not exceeding 90 days, or both~~ to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. If a violation is immediately correctable by moving the vending unit, failure to do so upon the request of a police officer shall constitute a separate offense and may subject the vendor to arrest and the towing of his vending unit. Every day that a violation of this article exists shall constitute a separate offense. In the event that a police officer, in the exercise of his or her discretion, determines that a particular violation is resulting in a dangerous condition or is a violation of health regulations, the police officer may immediately terminate that vendor's right to vend until the vendor has corrected the violation.*

## Chapter 333, Personal Assistive Mobility Devices.

Section 333-5 is amended to read as follows:

*Any person who shall violate any of the provisions of this chapter, upon conviction thereof, shall be ~~subject to a fine of up to \$1,250 and/or 90 days in the county jail for each offense or violation punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof, for each offense or violation.~~*

## Chapter 338, Public Health Nuisances.

Section 338-4 is amended to read as follows:

*Any person who violates or neglects to comply with any provision of this chapter or code established herein or notice issued pursuant thereto shall, upon conviction thereof, ~~be liable to a penalty of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both, for each violation~~ be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof, for each violation.*

## Chapter 344, Rental of Property.

### Article I, General Regulations for Permittees and Tenants.

Section 344-12D is amended to read as follows:

*That violators of this article shall be subject to ~~a fine not to exceed \$1,250 or imprisonment in the county jail for 90 days, or both a fine of not more than \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof, and forfeiture of their lease without refund of rental payments.~~*

Section 344-15 is amended to read as follows:

*Any violation of this article shall subject the violator, upon conviction, to ~~a fine not to exceed \$1,250 or imprisonment in the county jail not to exceed 90 days, or both a fine of not more than \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

## Chapter 360, Sewers.

### Article I, Connections.

Section 360-2 is amended to read as follows:

*If a connection or opening shall be made in any sewer or street without having first obtained such permit as herein required, the person or persons making or causing the same to be made shall, upon conviction, ~~be fined not more than \$1,250 or be imprisoned for a term not to exceed 90 days, or both~~ be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

### Article III, Grease and Other Solids.

Section 360-9 is amended to read as follows:

*Anyone convicted of a violation of the provisions of this article shall be ~~subject to a fine of not more than \$1,250 and imprisonment in the county jail for not more than 90 days, or both~~ punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

### Article IV, Sewer Use.

Section 360-31 is amended to read as follows:

*Any person convicted of a violation of this article shall, upon conviction thereof, ~~be subject to a fine of not more than \$1,250 or imprisonment in the county jail for a term not exceeding 90 days, or both~~ be punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day that the offense continues shall constitute a separate violation.*

## Chapter 374, Solid Waste.

### Article I, Collection.

Section 374-12 is amended to read as follows:

*Any person, firm, association or corporation violating any section of this article shall, upon conviction before the Municipal Court of the City of North Wildwood, be subject to a fine ~~of not more than \$1,250 or imprisonment in the county jail for a term of not more than 90 days, or both not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~ Any repetition of any violation of this article shall be deemed a new offense.*

### Article II, Recycling.

Section 374-19.5 is amended to read as follows:

*Any person or entity violating, or failing to comply with, any of the provisions provided in this article, upon conviction thereof, shall be punishable by a fine ~~of not less than \$50 and not more than \$1,250 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the municipal judge of not more than \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof, in the discretion of the Municipal Judge.~~ The continuation of any violation for each successive day shall constitute a separate offense, and the person, persons, or entity allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. Any violation may be afforded one warning at the discretion of the enforcement designees before the issuance of any fines.*

### Article III, Waste Disposal Areas.

Section 374-22 is amended to read as follows:

*Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed \$1,250 ~~or imprisonment for a term not to exceed 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

### Article IV, Containerized Yard Waste.

Section 374-28 is amended to read as follows:

*Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$1,250 ~~for each offense or imprisonment for a term not exceeding 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~ Each day that a violation continues after written notification that a violation exists shall constitute a separate offense.*

## Chapter 376, Special Events.

Section 376-4 is amended to read as follows:

*Any person or association of persons violating any of the provisions of this chapter, upon conviction thereof, shall be subject to a fine of not more than \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day the violation continues shall constitute a separate offense. With respect to any violation which involves tampering with or causing damage to municipal property, nothing in this section shall be deemed or interpreted as precluding a prosecution pursuant to N.J.S.A. 2C:17-3 (criminal mischief) or any other statute or ordinance which may be applicable to the operative facts.*

## Chapter 379, Stormwater Control.

Section 379-11A is amended to read as follows:

*Any violation hereunder shall be considered an offense punishable by a fine not to exceed \$2,000 ~~for each offense or imprisonment for a term not exceeding 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof, for each offense.~~ The following rules shall apply in determining responsibility for violations and penalties:*

## Chapter 382, Streets and Sidewalks.

### Article I, Riding on Sidewalks.

Section 382-2 is amended to read as follows:

*Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed ~~\$1,250 or imprisonment for a term not to exceed 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

### Article IV, Street Closings.

Section 382-12 is amended to read as follows:

*Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed ~~\$1,250 or imprisonment for a term not to exceed 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

### Article V, Street Openings.

Section 382-19.21 is amended to read as follows:

*Any person, firm, corporation or utility violating any of the provisions of this article shall, upon conviction thereof, be subjected to a fine not exceeding \$2,000, or to imprisonment in the County Jail for a period not exceeding 90 days, or ~~both~~ community service for not more than 90 days, or any combination thereof, for each violation, and each day that said violation is continued shall constitute a separate offense.*

## Chapter 398, Taxation.

### Article III, Prerequisite for Permits and Licenses.

Original § 398-8 of the 1981 Code, Prerequisite for contractor license, is repealed.

Section 398-11 is amended to read as follows:

*Taxpayers of the City of North Wildwood shall be permitted to enter into agreements with the City regarding the payment of past due real estate taxes and sewer service charge obligations. Should the Council of the City of North Wildwood, by resolution, approve the entry into such an agreement, said agreement shall serve as sufficient proof for the issuance of a building permit, ~~mercantile license and/or a contractor's license~~ for the subject premises pursuant to § 398-7 ~~and 398-8~~ of this article.*

### Article IV, Condominium Associations.

Section 393-13 is amended to read as follows:

*Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed ~~\$1,250 or imprisonment for a term not to exceed 90 days, or both \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.~~*

## Chapter 402, Taxicabs.

Section 402-5 is amended to read as follows:

*Any person, firm, corporation or entity violating any of the provisions of this chapter, upon conviction thereof, shall be ~~fined not more than \$1,250 and may be imprisoned in the county jail for a period not exceeding 90 days, or both~~ punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. A copy of any judgment of conviction entered pursuant to this section shall be transmitted by the Municipal Court Administrator to City Council for consideration by City Council of the institution of proceedings to suspend or revoke, as the case may be, any municipal consent previously granted by City Council pursuant to this chapter.*

## Chapter 407, Trailers.

Section 407-6 is amended to read as follows:

*A person who is convicted of a violation of this chapter shall be subject to a ~~fine not to exceed \$1,250 or imprisonment in the county jail for a period of not more than 90 days, or both, for each violation~~ maximum fine of \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof, for each violation. Each day said violation is continued shall constitute a separate offense. In addition to a fine, a person who has been convicted of a violation of this chapter may be sentenced to make restitution to the City of North Wildwood in the event that a street or any public property has been damaged by reason of placement of a trailer thereon.*

## **Chapter 408, Trees, Shrubs and Other Plants.**

Section 408-18 is amended to read as follows:

*Any person who violates any of the provisions of this chapter, upon conviction for such violation, shall be ~~subject to the imposition of a fine not exceeding \$1,250~~ punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## **Chapter 410, Vehicle Towing.**

Section 410-15 is amended to read as follows:

*Any person who violates any section of this chapter shall, upon conviction thereof, be ~~subject to imprisonment not to exceed 90 days and/or a fine of not less than \$100 nor more than \$1,250~~ punishable by a fine of not more than \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof. Each day that any violation of any section of this chapter shall exist shall constitute a separate offense and shall be charged as a separate offense by the issuance of additional process.*

## **Chapter 414, Vehicles, Abandoned.**

Section 414-4 is amended to read as follows:

*Any person violating any provision of this chapter shall, upon conviction, be punishable by a fine not to exceed \$1,250 ~~or imprisonment for a term not to exceed 90 days, or both~~ \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

## **Chapter 418, Vehicles and Traffic.**

### **Article I, Fees for Parking.**

Section 418-6 is amended to read as follows:

*Any person violating the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than ~~\$1,250 or~~ \$2,000, by imprisonment for a term not exceeding 90 days, or ~~both~~ by community service for not more than 90 days, or any combination thereof.*

### **Article II, Traffic and Parking.**

Section 418-19B is amended to read as follows:

*No person shall park a vehicle in any area designated by ordinance as a taxicab stand. This subsection shall not apply to taxicabs duly licensed ~~by~~ to operate in the City of North Wildwood pursuant to the provisions of Chapter 402, Taxicabs, of the Code of the City of North Wildwood.*

Section 418-29 is amended to read as follows:

*Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of the provisions of this article or any supplement thereto shall be liable to a penalty of not more than ~~\$1,000 or~~ \$2,000, imprisonment for a term not exceeding 90 days, or ~~both~~ community service for not more than 90 days, or any combination thereof.*

### **Article III, General Regulations.**

Original § 418-37, Taxi and bus stands, is repealed.

Section 418-44 is amended to read as follows:

*Any person, firm, partnership, corporation, association or individual who shall violate any of the provisions of this article shall, upon conviction thereof before a proper officer having jurisdiction, be subject to a fine in any sum not exceeding ~~\$1,250 or~~ \$2,000, imprisonment for a term not to exceed 90 days, or ~~both~~ community service for not more than 90 days, or any combination thereof, and any repetition of any act herein prohibited on any one day following such conviction shall be deemed a new offense.*

#### **Article V, Parking Lots.**

Section 418-54A is amended to read as follows:

*Any person, corporation, partnership or association of persons convicted of a violation of this article shall be subject to a fine not to exceed ~~\$1,250 and~~ \$2,000, imprisonment in the county jail for not more than 90 days, or ~~both~~ community service for not more than 90 days, or any combination thereof, in the discretion of the Municipal Court.*

#### **Article VI, Parking During Snow Emergency.**

Section 418-58 is amended to read as follows:

*Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of the provisions of this article, or any supplement thereto, shall be liable to a penalty of not more than ~~\$1,000 or~~ \$2,000, imprisonment for a term not exceeding 90 days, or ~~both~~ community service for not more than 90 days, or any combination thereof.*

#### **Article VII, Parking in Vicinity of Schools.**

Section 418-61 is amended to read as follows:

*Anyone convicted of a violation of this article shall be subject to a fine of not more than ~~\$1,250 or~~ \$2,000, imprisonment in the county jail for a term not exceeding 90 days, or ~~both~~ community service for not more than 90 days, or any combination thereof, unless some other penalty expressly is provided by New Jersey statute and that statute preempts the penalty set forth herein, in which case the penalty prescribed by that statute shall prevail.*

#### **Article XI, Parking in Vicinity of City Hall and Police Department Facility.**

Section 418-78 is amended to read as follows:

*Anyone convicted of a violation of this article shall be subject to a fine not to exceed ~~\$1,250 or~~ \$2,000, imprisonment in the county jail for a term not exceeding 90 days, or ~~both~~ community service for not more than 90 days, or any combination thereof.*

#### **Article XII, Operation of Motor Vehicles During Flooding Conditions.**

Section 418-81 is amended to read as follows:

*Any person violating the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than ~~\$1,250 or~~ \$2,000, by imprisonment for a term not exceeding 90 days, or ~~both~~ community service for not more than 90 days, or any combination thereof. For the purposes of a prosecution under this article, it shall not be a defense that the wave or wake that was created by operation of a motor vehicle on a flooded roadway did not cause actual damage to public or private property.*

#### **Article XIII, Fees and Hours for City Parking Lots.**

Section 418-82E is amended to read as follows:

*Fines and penalties. Unless another penalty expressly is provided by New Jersey Statute, every person convicted of a violation of the provisions of this article or any supplement or amendment thereto shall be fined not more than ~~\$1,250 or~~ \$2,000, imprisoned for a term not exceeding 90 days, or ~~both~~ subject to community service for not more than 90 days, or any combination thereof.*

#### **Chapter 422, Vehicles, People-Powered.**

Section 422-2 is amended to read as follows:

*Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed ~~\$1,250 or~~ \$2,000, by imprisonment for a term not exceeding 90 days, or ~~both~~ punishable by a fine not to exceed \$2,000, imprisonment for not more than 90 days, or community service for not more than 90 days, or any combination thereof.*

