

ORDINANCE NO. 1138 (1994)

ADOPTING ORDINANCE

AN ORDINANCE OF THE CITY OF SEA ISLE CITY, NEW JERSEY, ADOPTING  
A REVISION AND CODIFICATION OF THE ORDINANCES OF THE CITY OF  
SEA ISLE CITY IN THE COUNTY OF CAPE MAY, NEW JERSEY

WHEREAS, the Board of Commissioners of the City of Sea Isle City in the County of Cape May, New Jersey has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the City of Sea Isle City, 1993".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SEA ISLE CITY IN THE COUNTY OF CAPE MAY, NEW JERSEY, AS FOLLOWS:

**Section 1.** The ordinances of the City of Sea Isle City in the County of Cape May, New Jersey, of a general and permanent nature, as codified, Chapters I to XXXIII are hereby ordained as "The Revised General Ordinances of the City of Sea Isle City, 1993."

**Section 2.** All of the provisions of "The Revised General Ordinances of the City of Sea Isle City, 1993," shall be in force and effect on and after the effective date of this ordinance.

**Section 3.** All ordinances of a general and permanent nature, adopted by the Board of Commissioners and in force on June 8, 1993 and not contained in "The Revised General Ordinances of the City of Sea Isle City, 1993," are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in Section 4.

**Section 4.** The repeal provided for in Section 3 of this ordinance shall not affect:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right of franchise conferred by the Board of Commissioners;
- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the City;
- e. Any ordinance of the City providing for laying out, opening, altering, widening, relocating, straightening, acceptance or vacation of any street, road or highway within the City;
- f. Any ordinance or resolution of the City promising or guaranteeing the payment of money by or for the City or authorizing the issuing of bonds or other evidence of the City's indebtedness, or any contract of or obligation assumed by the City;
- g. The annual budget appropriation in ordinances or resolution, and all ordinances and resolutions appropriating or transferring funds;

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h. The administrative ordinances or resolutions of the Board of Commissioners not in conflict or inconsistent with the provisions of the Revised General Ordinances;

i. Any ordinance or resolution of the Board of Commissioners fixing compensation or salaries of the City officials and employees or the pay and compensation of positions and clerical employments which are not provided for in the Revised General Ordinances and which are not in conflict or inconsistent therewith.

j. Any ordinance or resolution of the Board of Commissioners creating employments, positions or offices and fixing duties therefor which are not provided for in the Revised General Ordinances and which are not in conflict or inconsistent therewith;

k. Concerning the Traffic Chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic or parking on the public streets or highways until the traffic and parking chapters of the Revised General Ordinances are finally approved by the Commissioner of the New Jersey Department of Transportation, and said chapter shall not take effect until finally approved by the Director as aforesaid;

l. Ordinances adopted by the Board of Health of the City of Sea Isle City.

m. Any ordinances of the Board of Commissioners adopted upon final passage after the 8th day of June, 1993.

**Section 5.** The text of the former Code which was adopted in 1976 has been substantially revised, edited, amended, supplemented and rearranged to establish this new "Revised General Ordinances of the City of Sea Isle City, 1993." The effects of proposed changes contained in the revision is listed below:

CHAPTER I: GENERAL. Sections 1-1 through 1-4 are a restatement of the 1976 Code provisions. They contain the official title, general definitions, rules of construction and severability clause that are intended to provide uniform construction and interpretation of general terms used throughout the revision, as well as for all other ordinances of the City of Sea Isle City.

Section 1-5, the General Penalty Clause, applicable to the entire Code or any other ordinance of the City of Sea Isle City, has been included. In subsection 1-5.1, a maximum penalty of one or more of the following: one thousand (\$1,000.00) dollars fine, or ninety (90) days imprisonment, or a period of community service not exceeding ninety (90) days is established to conform to State Statutes. Subsection 1-5.1 eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted. Subsection 1-5.2 is new and states that a minimum penalty not exceeding one hundred (\$100.00) dollars may be established for the violation of a particular Code provision or ordinance. Subsection 1-5.3 is new and provides for an additional fine for repeat offenders. Subsection 1-5.4 is new and provides for imprisonment for default of payment of a fine. Subsection 1-5.5 provides that each and every day a violation exists is deemed a separate violation. Subsection 1-5.6 states that the amount of any particular penalty is at the discretion of the adjudicating authority. Throughout the Code, penalty provisions have been revised to refer to the provisions of this section. Section 1-6 is a restatement from the previous Code. Section 1-7 is new and requires the Code be maintained by providing supplements to the Code.

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CHAPTER II: ADMINISTRATION. Chapter II contains the administrative ordinances of the City of Sea Isle City.

To aid in organization, this Chapter has been divided into Articles as follows:

Article I: Board of Commissioners.

Article II: Officers.

Article III: Departments Established.

Article IV: Divisions.

Article V: Emergency Management.

Article VI: Municipal Court.

Article VII: Boards, Commissions and Committees.

Article VIII: Code of Ethics.

Article IX: Administrative Policies and Procedures.

Section 2-1, Board of Commissioners, is new and establishes the organization of the Board of Commissioners which is three Commissioners to be elected for a term of four years. It provides for meetings and executive sessions of the Board, makes provision for a quorum, establishes Robert's Rules of Order and designates the City Attorney as the parliamentarian. Subsection 2-1.7 provides that the agenda for regular or special meetings shall be prepared by the City Clerk, and subsection 2-1.8 provides that at the first regular meeting after election, the Board of Commissioners shall designate one Commissioner to be the Director of each Department.

Section 2-2, Mayor, states that at the first meeting after election, the Commissioners shall choose the Mayor, and subsection 2-2.2 provides the powers of the Mayor.

Subsection 2-3.1, Term of Office of the City Clerk, is new, and establishes the Clerk's term of office. Subsection 2-3.2, Powers and Duties, is new and establishes the duties of the City Clerk. Subsection 2-3.3, Temporary Clerk, makes provision for the appointment of a Temporary Clerk.

Subsection 2-6.1, Term of the City Attorney, is new, providing a Statutory reference establishing the Municipal Attorney's term at one year.

Section 2-7, Tax Collector, is new, establishing the qualifications for appointment and the term of office.

Section 2-8 Tax Assessor, is new, and provides for the appointment of the Assessor and the term of office.

Subsection 2-13.1, Departments Generally, is new and establishes current departments.

Section 2-15, Public Affairs and Public Safety, has been revised to give this department control of the Police Department and the Lifeguards.

Section 2-26, Department of Revenue and Finance, is new, and establishes the Department of Revenue and Finance.

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Section 2-38, Office of Emergency Management, has been revised to concur with current Statutes.

Section 2-41, Municipal Court, is revised to refer to the "Court Administrator" where appropriate.

In all chapters the violations and penalty provisions have been revised to refer to Section 1-5, the general penalty clause, and references to a masculine pronoun is rewritten to refer to the masculine and the feminine genders.

Subsection 2-43.1, Creation of Board of Assessments for Local Improvements has been revised to add the provision that members shall receive no compensation.

Section 2-46, Recreation Committee, has been revised to refer to the Recreation Committee.

Section 2-52, Payment of Claims, has been revised to refer to the Chief Financial Officer.

CHAPTER III: POLICE REGULATIONS. This Chapter contains the regulations enforced by the Police Department, which include regulations concerning Litter; Distribution of Handbills; Dumping of Waste; Noise; Smoking Prohibited in Public Buildings; Conduct in Public and Private Places; Possession and Consumption of Alcoholic Beverages by Minors on Private Property; Curfew for Minors Under Seventeen Years of Age; Drug Free School Zones; Registration of Tenants; Motorized Bicycles; Firearms and Fireworks; Games of Chance on Sundays and Fishing Nets Prohibited within City Limits.

CHAPTER IV: GENERAL LICENSING. This Chapter codifies the general regulations pertaining to licensing and regulating businesses, including Hawkers, Peddlers and Vendors; Solicitors; Flea Markets; Yard and Garage Sales; Use and Operation of Sailboats; Towing; Jitneys; Taxicabs; Amusement Games and Alarm Systems Located in Police Headquarters.

CHAPTER V: ANIMAL CONTROL. This Chapter codifies the general regulations pertaining to the licensing and control of dogs, vicious dogs, vaccination for rabies, canvass of dogs and licensing of pet shops, shelters and pounds and violations and penalties are included within this Chapter.

CHAPTER VI: ALCOHOLIC BEVERAGE CONTROL. Regulations concerning alcoholic beverage control are codified in this Chapter.

Section 6-1, Purpose is new and establishes the purpose of this Chapter.

Section 6-2, Definitions, is new.

Subsection 6-3.1, Laws Applicable, is new and requires compliance with the laws of the State of New Jersey or the United States.

Subsection 6-3.2, Issuing authority, is revised to refer to the Chief Financial Officer.

Subsection 6-3.3, License Required, is new and requires a license to be obtained prior to sale or distribution of alcoholic beverages.

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Section 6-5, Persons Under the Legal Age, is new and provides regulations and penalties for "Persons Under the Legal Age."

Section 6-6, Revocation of Licenses, is revised and provides for suspension or revocation of a license as provided by State Statutes.

CHAPTER VII: TRAFFIC. This Chapter contains the traffic ordinances of the City placed in accord with the model of organization that has been recommended by the State of New Jersey Division of Motor Vehicles. This Chapter may not be enforced until approval is obtained from the Director of the Bureau of Traffic Engineering, New Jersey Department of Transportation. Revised street regulations are included as they have been recommended by the Department of Transportation.

CHAPTER VIII: OFF-STREET TRAFFIC REGULATIONS. Regulations for parking lots and the regulation of traffic on private property are included herein. Section 8-3, Acme Market Shopping Center, is new and provides regulations for Acme Market Shopping Center.

CHAPTER IX: PERSONNEL POLICIES. This Chapter codifies the Personnel Policies adopted by the Board of Commissioners, including Minimum Age of Employment, Indemnification of Municipal Employees and Officials, Compensation Policies, Overtime Pay, Sick Leave, Insurance and Civil Service.

CHAPTER X: BUILDING AND HOUSING. This Chapter codifies Ordinances pertaining to the State Uniform Construction Code Enforcing Agency; the Extension of Construction Permits; Licensing of Contractors; Dwellings Unfit for Human Habitation; the Housing Code; Moving of Buildings and Construction of Fences. Throughout the Code references to the Building Inspector have been revised to refer to the Building Subcode Official.

CHAPTER XI: RENTAL HOUSING. This Chapter codifies the regulations for rental housing and, includes sections pertaining to inspections, reports, permits required, maximum number of tenants and penalties for violations.

CHAPTER XII: PROPERTY MAINTENANCE. This Chapter codifies the adoption by reference of the "BOCA Basic/National Property Maintenance Code" and the regulations requiring the removal of brush, weeds and obnoxious growths and the filling of land to maintain grade.

CHAPTER XIII: FIRE PREVENTION. This Chapter pertains to fire prevention and contains the State Uniform Fire Safety Code Enforcing Agency and the regulations on handling hazardous materials and the installation of smoke detectors.

CHAPTER XIV: FLOOD DAMAGE PREVENTION. The regulations required to be enacted to prevent flood damage are complete in this Chapter.

CHAPTER XV: STREETS AND SIDEWALKS. This Chapter includes sections pertaining to the excavation of streets, construction of sidewalks, driveways and curbs, the construction and maintenance of boardwalk approaches and ramps, the regulation of newsracks in the public right-of-way and obstruction of streets.

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Subsection 15-2.4, Notice to City Prior to Pouring or Laying, has been revised to refer to the City Engineer in regard to inspection and testing.

Subsection 15-2.15m Violations, has been revised to refer to the Code Enforcement Officer.

CHAPTER XVI: SEWER AND WATER. Regulations for the construction, connections, service lines, fees for use and enforcement are contained in this Chapter. This Chapter has been revised to refer to the "Water and Sewer Department," and references to the Plumbing Inspector are hereby changed to Plumbing Subcode Official.

CHAPTER XVII: RESERVED.

CHAPTER XVIII: SOLID WASTE MANAGEMENT. The recycling program regulations, collection of garbage and refuse regulations and the regulations pertaining to construction debris and waste are contained in this Chapter.

CHAPTER XIX: PROTECTION OF TREES. This Chapter requires a permit be obtained prior to pruning, cutting, disturbing any tree on public streets or parks.

CHAPTER XX: PARKS AND RECREATIONAL FACILITIES. This Chapter contains the regulations for conduct in and use of parks, tennis courts and docking facilities. The fees for the use of tennis courts have been increased.

CHAPTER XXI: BEACHES, BOARDWALK AND THE PROTECTION OF DUNES. This Chapter regulates beaches, the promenade and the dune area by requiring beach badges and establishing regulations for conduct on the beaches, promenade and the dune areas.

CHAPTER XXII: BULKHEADS AND WATERWAYS. This Chapter requires the maintenance of bulkheads and also requires thirty (30) feet of open, unobstructed water in the Rio Delle Ponte for navigation.

CHAPTER XXIII: CABLE TELEVISION. The grant of a franchise to Warner Cable Corporation to operate a cable television system the qualifications of grantee and duration of consent are contained in Chapter XXIII.

CHAPTER XXIV: DRAINAGE, GRADES AND ELEVATIONS. This Chapter codifies the regulations requiring drainage, grades and elevations.

CHAPTER XXV: HISTORIC PRESERVATIONS. Regulations pertaining to the designation and preservation of historic buildings and the formation of the Historic Preservation Commission are included in this Chapter.

CHAPTER XXVI: ZONING. This Chapter codifies Ordinance Number 1038 in toto as the Zoning Chapter.

CHAPTER XXVII: RESERVED.

CHAPTER XXVIII: PLANNING AND ZONING FEES. This Chapter codifies the fees for applications for development, escrow fees, variances, review and inspection fees as adopted by Ordinance Number 989.

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CHAPTER XXIX: LAND USE PROCEDURES. The Land Use Procedures Chapter pertains to the Planning Board, the Zoning Board of Adjustment and the provisions applicable to both Boards.

CHAPTER XXX: SITE PLAN REVIEW. This Chapter provides the site plan requirements, and the checklists for development applications and penalties for violations.

CHAPTER XXXII: LAND SUBDIVISION. This Chapter contains the Land Subdivision regulations as amended and supplemented.

CHAPTER XXXIII: SIGNS. The regulations pertaining to signs are included in this Chapter.

**Section 6.** Throughout the Revision there has been reorganization and editing of the source ordinances, not to effect substantive changes but intended to eliminate word duplications and overlapping and to effect uniformity of expression. In some cases provisions of the source ordinances have not been included in the Revision either because they have been expressly or impliedly repealed by later ordinances, are obsolete or no longer apply in the City of Sea Isle City.

**Section 7.** A copy of the Revised General Ordinances of the City of Sea Isle City, in the County of Cape May and State of New Jersey, in loose-leaf form, has been filed in the office of the City Clerk of the City of Sea Isle City and shall remain there for the use and examination of the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Sea Isle City by impressing thereon the seal of the City of Sea Isle City, as provided by law, and such certified copy shall remain on file in the office of the City Clerk of the City of Sea Isle City to be made available to persons desiring to examine the same during all times while the Revision is in effect.

**Section 8.** Amendments to the Revision. Any and all additions, amendments or supplements to the Revision when passed and adopted in such form as to indicate the intent of the Board of Commissioners to make them a part thereof shall be deemed to be incorporated into such revisions so that reference to "The Revised General Ordinances of the City of Sea Isle City, 1993" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Revision shall be adopted they shall thereafter be printed, and as provided hereunder inserted in the book containing the Revised General Ordinances as amended and supplemented thereto.

**Section 9.** It shall be the duty of the City Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Revised General Ordinances of the City of Sea Isle City, 1993," required to be filed in his/her office for the use of the public. All changes in the Revision and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Revision and shall be finally adopted by included therein by reference until such changes or new ordinances are printed as supplements to the Revision, at which time such supplements shall be inserted therein.

**Section 10.** The City Clerk of the City of Sea Isle City, pursuant to law, shall cause to be published in the manner required a copy of this adopting ordinance in a newspaper of general circulation in the City of Sea Isle City. Sufficient copies of the Revised General Ordinances of the City of Sea Isle City, shall be maintained in the office of the City Clerk for inspection by the

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public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Revision for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Revision for all purposes.

**Section 11.** Copies of the book containing "The Revised General Ordinances of the City of Sea Isle City, 1993," may be purchased from the City Clerk upon the payment of a fee to be set by resolution, of the Board of Commissioners. The Board of Commissioners may also arrange by resolution the procedures for the periodic supplementation of the Revised General Ordinances.

**Section 12.** Each section of "The Revised General Ordinances of the City of Sea Isle City, 1993" 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 effect the validity or constitutionality of any other sections or parts thereof.

**Section 13.** This ordinance shall take effect immediately upon final passage and publication thereof according to law.

/s/ \_\_\_\_\_  
Leonard Desiderio, Mayor

/s/ \_\_\_\_\_  
James Iannone, Commissioner

/s/ \_\_\_\_\_  
Michael J. McHale, Commissioner

The above ordinance was duly passed by the Board of Commissioners of the City of Sea Isle City, New Jersey, on first reading at the regular meeting of said Board held on the 13th day of December, 1994, and was taken up for second reading, public hearing, final passage and was adopted at the regular meeting of said Board held on the 27th day of December, 1994, in the Public Safety Building, 233 John F. Kennedy Boulevard, Sea Isle City, New Jersey, at 3:30 P.M.

/s/ \_\_\_\_\_  
Theresa J. Tighe, Municipal Clerk