

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1649 (2020)

**AN ORDINANCE TO AMEND THE REVISED
GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY,
VARIOUS CHAPTERS 4, 7, 8, 15, AND 20 TO UPDATE, CORRECT FOR
CONSISTENCY, AND ADDRESS FEES**

WHEREAS, the Council of the City of Sea Isle City, continues to review and update its ordinances; and

WHEREAS, the Council has determined that it is in the best interest of the residence and visitors of the City to address jitney background checks, stopping or standing certain streets, parking on certain streets, metered parking, update insurance requirements, boat slip fees, and update some recreation program fees; and

WHEREAS, the City has found this ordinance to be in the best interest of the health, safety, and welfare of the citizens and visitors of the City; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter 4 Section 8.3 of the Revised General Ordinances of the City of Sea Isle City, entitled "Licensing; Fee; Renewal" is hereby amended to delete the following section "f" only and replace same in its entirety as follows:

DELETED SECTION:

4-8.3 Licensing; Fee; Renewal.

- f. It shall be unlawful for any person to drive a jitney within the City of Sea Isle City without first having obtained a jitney license and an identification card, the latter to contain the photograph and signature of the licensee. This identification card shall be produced by the Clerk of the City of Sea Isle City. This identification card shall be carried at all times and prominently displayed while driving or operating a jitney. It shall be unlawful for any jitney operator or licensee to permit anyone else to wear his or her identification card or to refuse to show the same to lawful authorities upon request. A fee of fifteen (\$15.00) dollars shall be charged for a replacement identification card. All applicants shall provide such information, as the City Clerk requires, including but not limited to fingerprinting and a criminal record check. The Sea Isle City Chief of Police or his/her designee, or investigating agency shall be responsible for conducting an investigation into each applicant for a jitney license hereunder. Initial applicants for a jitney license shall submit to a fingerprint background check by the investigating agency. For each of the three (3) years following the initial year that an applicant obtains a jitney license from the City, the City will conduct a background check of the applicant through the New Jersey State Police if the applicant applies for another jitney license from the City. For example, an initial applicant in 2015 will be required to undergo a full fingerprint background check. In 2016, 2017 and 2018, the applicant's background check will be conducted through the State Police. In 2019, the applicant will again undergo a full fingerprint background check.

If the applicant is a corporation, limited liability company or partnership, then the following individuals shall be subject to a background check:

1. In the event that the applicant is a corporation, the background investigation shall include all officers of the corporation and, if practical, the shareholders.
2. In the event that the applicant is a limited liability company, such investigation shall include all officers of the limited liability and, if practical, the members.
3. In the event that the applicant is a partnership, such investigation shall be required of each partner, whether full or limited partners.

The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and if so the circumstances of such record including the date, results of such investigation together with recommendations by the Sea Isle City Chief of Police as to whether such license should be granted or denied supported by the reason(s) for such recommendation shall be forwarded to the City Clerk. The City Clerk shall in turn make such report available to the individual members of Borough Council. A copy of the report shall also be sent to the applicant.

The City of Sea Isle City will be utilizing the State-Police-coordinated, non-criminal-justice fingerprinting process known as "Live Scan." The State of New Jersey has contracted with a vendor to perform this service. The company has established permanent sites throughout the State as well as several mobile units available to meet its contractual agreement. The vendor charges a fee for the fingerprinting for which the applicant will be responsible. There will be an additional fee of twenty (\$20.00) dollars payable to the City of Sea Isle City, for the processing of the fingerprint documentation required by the vendor.

REPLACEMENT SECTION:

4-8.3 Licensing; Fee; Renewal.

- f. It shall be unlawful for any person to drive a jitney within the City of Sea Isle City without first having obtained a jitney license and an identification card, the latter to contain the photograph and signature of the licensee. This identification card shall be produced by the Clerk of the City of Sea Isle City. This identification card shall be carried at all times and prominently displayed while driving or operating a jitney. It shall be unlawful for any jitney operator or licensee to permit anyone else to wear his or her identification card or to refuse to show the same to lawful authorities upon request. A fee of fifteen (\$15.00) dollars shall be charged for a replacement identification card. All applicants shall provide such information, as the City Clerk requires, including but not limited to fingerprinting and a criminal record check. The Sea Isle City Chief of Police or his/her designee, or investigating agency shall be responsible for conducting an investigation into each applicant for a jitney license hereunder. Initial applicants for a jitney license shall submit to a fingerprint background check by the investigating agency. For each of the three (3) years following the initial year that an applicant obtains a jitney license from the City, the City will conduct a background check of the applicant through the New Jersey State Police if the applicant applies for another jitney license from the City. For example, an initial applicant in 2019 will be required to undergo a full fingerprint background check. In 2020, 2021, and 2022 the applicant shall undergo an in house local records check. In 2023, the applicant will again undergo a full fingerprint background check.

If the applicant is a corporation, limited liability company or partnership, then the following individuals shall be subject to a background check:

1. In the event that the applicant is a corporation, the background investigation shall include all officers of the corporation and, if practical, the shareholders.
2. In the event that the applicant is a limited liability company, such investigation shall include all officers of the limited liability and, if practical, the members.
3. In the event that the applicant is a partnership, such investigation shall be required of each partner, whether full or limited partners.

The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and if so the circumstances of such record including the date, results of such investigation together with recommendations by the Sea Isle City Chief of Police as to whether such license should be granted or denied supported by the reason(s) for such recommendation shall be forwarded to the City Clerk. The City Clerk shall in turn make such report available to the individual members of City Council. A copy of the report shall also be sent to the applicant.

The City of Sea Isle City will be utilizing the State-Police-coordinated, non-criminal-justice fingerprinting process known as "Live Scan." The State of New Jersey has contracted with a vendor to perform this service. The company has established permanent sites throughout the State as well as several mobile units available to meet its contractual agreement. The vendor charges a fee for the fingerprinting for which the applicant will be responsible. There will be an

additional fee of twenty (\$20.00) dollars payable to the City of Sea Isle City, for the processing of the fingerprint documentation required by the vendor.

SECTION II. Chapter 7 Section 7.4 of the Revised General Ordinances of the City of Sea Isle City, entitled “Stopping or Standing Prohibited During Certain Hours on Certain Streets” is hereby amended to add the following streets in numerical order, all else remains the same, as follows:

ADDED STREETS:

7-7.4 Stopping or Standing Prohibited During Certain Hours on Certain Streets.

No person shall stop or stand a vehicle between the hours specified on any day upon any of the streets or parts of streets described.

Name of Street	Side	Hour	Location
Landis Avenue (CR619)	East	All	Shoulder from 29th Street in Sea Isle City to 22nd Street in Sea Isle City.
Commonwealth Avenue (CR619)	West	All	Shoulder from 22nd Street in Sea Isle City to Putnam

SECTION III. Chapter 8 Section 1.3 of the Revised General Ordinances of the City of Sea Isle City, entitled “Metered Time Limit Parking” is hereby amended to delete the following **section “c” and “d” only** in its entirety and replace same as follows:

DELETED SECTION:

8-1.3 Metered Time Limit Parking.

- c. *Seasonal Parking Permits.* There is established a seasonal parking permit which shall be obtained from the City Clerk at a cost of two hundred (\$200.00) dollars per parking permit. The permit shall be valid from May 15th of the year of purchase through 11:00 p.m. Labor Day of said year. The permit shall permit parking without additional costs at any parking meter or City lot, except as limited in paragraph e. herein.

There shall be four hundred (400) parking permits available per season for purchase. These parking permits shall be sold on a first come first serve basis.

- d. *Weekly Parking Permits.* There is established a weekly parking permit which shall be obtained from the City Clerk at a cost of thirty (\$30.00) dollars. Weekly permits shall be available for the weeks occurring between May 15th through 11:00 p.m. Labor Day. The permit shall designate the dates of the week in which it applies. It shall not be valid prior to the dates listed on the permit, and it shall not be valid for dates after the expiration of the permit. The permit shall permit parking, during its term, without additional costs at any parking meter or City lot, except as limited in paragraph e. herein. Weekly permits shall include vehicle specific information and shall not be transferable.

REPLACEMENT SECTION:

8-1.3 Metered Time Limit Parking.

- c. *Seasonal Parking Permits.* There is established a seasonal parking permit which shall be obtained from the City Clerk at a cost of two hundred fifty (\$250.00) dollars per parking permit. The permit shall be valid from May 15th of the year of purchase through 11:00 p.m. Labor Day of said year. The permit shall permit parking without additional costs at any parking meter or City lot, except as limited in paragraph e. herein.

There shall be four hundred (400) parking permits available per season for purchase. These parking permits shall be sold on a first come first serve basis.

- d. *Weekly Parking Permits.* There is established a weekly parking permit which shall be obtained from the City Clerk at a cost of fifty (\$50.00) dollars. Weekly permits shall be

available for the weeks occurring between May 15th through 11:00 p.m. Labor Day. The permit shall designate the dates of the week in which it applies. It shall not be valid prior to the dates listed on the permit, and it shall not be valid for dates after the expiration of the permit. The permit shall permit parking, during its term, without additional costs at any parking meter or City lot, except as limited in paragraph e. herein. Weekly permits shall include vehicle specific information and shall not be transferable.

SECTION IV. Chapter 15 Section 1.7 of the Revised General Ordinances of the City of Sea Isle City, entitled “Insurance Requirements; Indemnification of City” is hereby amended to delete the following section in its entirety and replace same as follows:

DELETED SECTION:

15-1.7 Insurance Requirements; Indemnification of City.

a. Every application for construction, excavation or opening of a road or street under the control of the City shall be accompanied by a certificate of insurance demonstrating that the applicant possesses personal injury liability insurance in the amount of five hundred thousand (\$500,000.00) dollars and property damage liability insurance in the amount of two hundred fifty thousand (\$250,000.00) dollars. The insurance shall be maintained by the applicant during the period of construction or excavation.

b. The applicant shall also agree in writing to indemnify and hold harmless the City, its agents, servants and employees from any damage or liability sustained by any person or property arising out of the negligence of the applicant or its agents, servants and employees during the course of any construction, excavation, restoration or refilling of any road or street under the control of the City. The agreement shall require the applicant in the event a claim is made against the City, its agents, servants and employees arising out of the applicant's construction activities, to provide the City with a legal defense and to pay any and all attorney's fees or costs incurred by the City in connection with any claims, suit or litigation.

REPLACEMENT SECTIONS:

15-1.7 Insurance Requirements; Indemnification of City.

a. Every application for construction, excavation or opening of a road or street under the control of the City shall be accompanied by a certificate of insurance demonstrating that the applicant possesses personal injury liability insurance in the amount of five hundred thousand (\$500,000.00) dollars, property damage liability insurance in the amount of five hundred thousand (\$500,000.00) dollars. Workers Compensation Insurance to be provided as Statutory requirements. The insurance shall be maintained by the applicant during the period of construction or excavation. A minimum of sixty (60) days written notice of cancellation shall be provided.

b. Contractor shall indemnify, hold harmless and defend the public entity, its officers employees, agents and volunteers against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the public entity, its officers, employees, agents and volunteers may hereafter sustain, incur or be required to pay, arising out of or by any act or omission of contractor or public entity, their officers, employees, agents and volunteers, in the execution, performance or failure to adequately perform contractor's or public entity's obligations pursuant to this contract.

SECTION V. Chapter 20 Section 3.4 of the Revised General Ordinances of the City of Sea Isle City, entitled “Fees” is hereby amended to delete the following section in its entirety and replace same as follows:

DELETED SECTION:

20-3.4 Fees.

Slips numbered 1 through 19 are not in existence, therefore the fees for the boat slips in the Marina at 42nd Street starting with slip number 20 shall be as designated herein as of January 1 of each year:

SLIPS #20-42 18 feet	\$1,530.00
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SLIPS #43-62 20 feet	\$1,700.00
SLIPS #63 & 64* 40 feet	\$3,400.00
SLIPS #65-71* 30 feet	\$2,550.00
SLIPS #72-102	\$2,125.00
SLIPS #T1-T6	\$1,530.00

*Includes water and electricity.

Fees for the boat ramp shall be:

- a. Day Pass: \$10.00
\$15.00 from January 1, 2013
- b. Seasonal Pass: \$100.00
\$125.00 from January 1, 2013
- c. Two hundred fifty (\$250.00) dollars for a commercial seasonal pass.

Each renter must sign a contract with the City for each season. Fifty (50%) percent of the contract price is due at the time the contract is signed. The remaining fifty (50%) percent of the contract price is due on April 1.

REPLACEMENT SECTIONS:

20-3.4 Fees.

Slips numbered 1 through 19 are not in existence, #69 Fire/Police boat, #94 State Police boat, T6 Coast Guard Emergency. Fees for all other boat slips in the Marina at 42nd Street starting with slip number 20 shall be as designated herein as of January 1 of each year:

SLIPS #20-42 18 feet	<u>\$1,766.00</u>
SLIPS #43-62 20 feet	<u>\$1,940.00</u>
SLIPS #63 & 64* 40 feet	<u>\$3,670.00</u>
SLIPS #65-71* 30 feet	<u>\$2,810.00</u>
SLIPS #72-102	<u>\$2,385.00</u>
SLIPS #T1-T6	<u>\$1,766.00</u>

*Includes water and electricity and one (1) parking permit per boat slip to be issued at time of payment in full of boat slip. This parking permit for the boat slip shall be used in designated spots only. Designated spots shall be parking spots numbered 2-48, 49-92, and 341-393 only (along the Baywalk). No other parking spaces may be utilized by the parking permit included with the boat slip.

Fees for the boat ramp shall be:

- a. Day Pass: \$10.00
\$15.00 from January 1, 2013
- b. Seasonal Pass: \$100.00
\$125.00 from January 1, 2013
- c. Two hundred fifty (\$250.00) dollars for a commercial seasonal pass.

Each renter must sign a contract with the City for each season. Fifty (50%) percent of the contract price is due at the time the contract is signed. The remaining fifty (50%) percent of the contract price is due on April 1. The fees indicated herein shall be effective for the 2021 season and do not affect fees from the 2020 season.

SECTION VI. Chapter 20 Section 5.3 of the Revised General Ordinances of the City of Sea Isle City, entitled “Division of Recreation Programs” is hereby amended to delete the following **section “a”, number “4” only** in its entirety and replace same as follows:

DELETED SECTION:

20-5.3 Division of Recreation Programs.

- a. Fees for the following programs shall be paid per participant and directly to the Division of Recreation:

1. Aerobics – \$40.00 for 10 coupon pass
2. Playground – \$50.00 per week
3. Tot-playground – \$50.00 per week
4. Instructional Basketball – \$15.00 per session
5. Intermediate Basketball – \$35.00
6. Junior and Senior Basketball – \$50.00
7. CMC Traveling Hockey – \$25.00
8. Soccer – \$25.00
9. South Shore Basketball – \$25.00
10. Tot/Instructional Basketball – \$5.00 per session
11. Baseball – \$25.00
12. Softball – \$25.00
13. Teeball – \$25.00
14. Men’s Basketball League (ages 18 and older) = \$600.00 per team

REPLACEMENT SECTION:

20-5.3 Division of Recreation Programs.

- a. Fees for the following programs shall be paid per participant and directly to the Division of Recreation:
 1. Aerobics – \$40.00 for 10 coupon pass
 2. Playground – \$50.00 per week
 3. Tot-playground – \$50.00 per week
 4. Instructional Basketball – \$20.00 per session
 5. Intermediate Basketball – \$35.00
 6. Junior and Senior Basketball – \$50.00
 7. CMC Traveling Hockey – \$25.00
 8. Soccer – \$25.00
 9. South Shore Basketball – \$25.00
 10. Tot/Instructional Basketball – \$5.00 per session
 11. Baseball – \$25.00
 12. Softball – \$25.00
 13. Teeball – \$25.00
 14. Men’s Basketball League (ages 18 and older) = \$600.00 per team

SECTION VII. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION VIII. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IX. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

J.B. Feeley, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 28th day of January, 2020 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 25th day of February, 2020, in City Hall, 3rd Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Shannon D. Romano, Municipal Clerk