

**CITY OF SEA ISLE CITY  
NEW JERSEY**

**ORDINANCE NO. 1615 (2017)**

**AN ORDINANCE TO AMEND THE REVISED  
GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY VARIOUS CHAPTERS,  
TO UPDATE, TO CLARIFY, COUNCIL/COMMISSIONER, ELIMINATE UNNEEDED  
SECTIONS AND TO COMPLY WITH STATE MANDATES**

**WHEREAS**, the State of New Jersey has legislated the licensure of contractors by the State of New Jersey and removed such licensing authority from the local municipality, the City desires to repeal Chapter 10 Section 4 entitled "LICENSING OF CONTRACTORS AND OTHERS" to comply with State Statue; and

**WHEREAS**, the City Code is being updated, clarified minor corrections allowing for consistency and accuracy and fees already approved within the Codes; and

**WHEREAS**, the City Code is moving duties to the proper department for accuracy; and

**WHEREAS**, the City Code is being updated to reflect proper titles of departments; and

**WHEREAS**, the City seeks to update the construction fee ordinance, fee 10-1.2a.15 temporary structure fee is repealed as no longer necessary and section 10-1.2a16 regulations and fees for elevators is updated to reflect inspection by the State and fees set by the State for said inspection.

**WHEREAS**, the State of New Jersey has changed subcode classifications and created a new classification, Mechanical Subcode; the City seeks to amend its Subcode Fee Schedule to reflect the new subcode classification; and

**WHEREAS**, the City seeks to update fees for fire safety inspections to comply with new State fire safety inspection fees; 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 1 Section 5.2 of the Revised General Ordinances of the City of Sea Isle City, entitled "Minimum Penalty" is hereby amended to delete the following Sections in its entirety and replace same as follows:

**DELETED SECTION:**

**1-5.2 Minimum Penalty.**

The Board of Commissioners may prescribe that for the violation of any particular provision of the Code or of any particular ordinance at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred (\$100.00) dollars. The court before which any person is convicted of violating any ordinance or Code provision shall have power to impose any fine, term of punishment, or period of community service not less than the minimum and not exceeding the maximum fixed in the Code or such ordinance. (New)

**REPLACEMENT SECTION:**

**1-5.2 Minimum Penalty.**

The Council may prescribe that for the violation of any particular provision of the Code or of any particular ordinance at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred (\$100.00) dollars. The court before which any person is convicted of violating any ordinance or Code provision shall have power to impose any fine, term of punishment, or period of community service not less than the minimum and not exceeding the maximum fixed in the Code or such ordinance.

**SECTION II.** Chapter 1 Section 5.3 of the Revised General Ordinances of the City of Sea Isle City, entitled "Additional Fine for Repeat Offenders" is hereby amended to delete the following Chapter in its entirety and replace same as follows:

**DELETED SECTION:**

**1-5.3 Additional Fine for Repeat Offenders.**

Any person who is convicted of violating this Code or an ordinance within one (1) year of the date of a previous violation of the same provision of this Code or of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance or Code provision, but shall be calculated separately from the fine imposed for the violation of the ordinance or Code provision.

If the Board of Commissioners chooses not to impose an additional fine upon a person for a repeated violation of any municipal ordinance, the Council may waive the additional fine by ordinance or resolution. (New)

**REPLACEMENT SECTION:**

**1-5.3 Additional Fine for Repeat Offenders.**

Any person who is convicted of violating this Code or an ordinance within one (1) year of the date of a previous violation of the same provision of this Code or of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance or Code provision, but shall be calculated separately from the fine imposed for the violation of the ordinance or Code provision.

If the Council chooses not to impose an additional fine upon a person for a repeated violation of any municipal ordinance, the Council may waive the additional fine by ordinance or resolution.

**SECTION III.** Chapter 1 Section 7 of the Revised General Ordinances of the City of Sea Isle City, entitled "CODE OF THE CITY OF SEA ISLE CITY TO BE MAINTAINED BY CITY CLERK" is hereby amended to delete the following Chapter in its entirety and replace same as follows:

**DELETED SECTION:**

**1-7 CODE OF THE CITY OF SEA ISLE CITY TO BE MAINTAINED BY CITY CLERK.**

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 the office of the City Clerk for the use of the public. All changes in the Code and all ordinances adopted by the Board of Commissioners subsequent to the adoption of the Code, which the Board of Commissioners shall adopt specifically as a part of the Code, shall, when finally adopted, be included therein by reference until such change or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein. (New)

**REPLACEMENT SECTION:**

**1-7 CODE OF THE CITY OF SEA ISLE CITY TO BE MAINTAINED BY CITY CLERK.**

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 the office of the City Clerk for the use of the public. All changes in the Code and all ordinances adopted by Council subsequent to the adoption of the Code, which the Council shall adopt specifically as a part of the Code, shall, when finally adopted, be included therein by reference until such change or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

**SECTION IV.** Chapter 2 Section 4.1 of the Revised General Ordinances of the City of Sea Isle City, entitled "General", is hereby amended to delete the following section in its entirety and replace same as follows:

**DELETED SECTION:**

**2-4.1 General.**

The Administrative Branch shall consist of the Office of the Mayor, the Departments of Administration, Law, Revenue and Finance, Public Works, Parks and Public Property, Police, Community Services and Community Development; the Municipal Court and Clerk; and designated independent or quasi-independent agencies and advisory boards and commissions. The independent, quasi-independent and advisory agencies shall be those listed below, together with such other commissions, boards or agencies as shall be established from time to time by the Mayor or Council. All members shall be appointed in accordance with the appropriate state statute or by the Mayor consistent with subsection 2-3.4p.

a. *Agencies.*

1. Local Assistance Board
2. Planning Board
3. Environmental Commission
4. Historical Commission
5. Tourism Development Commission
6. Emergency Management

Article III Administrative Branch: Departments

**REPLACEMENT SECTION:**

**2-4.1 General.**

The Administrative Branch shall consist of the Office of the Mayor, the Departments of Administration, Law, Revenue and Finance, Public Works, Parks and Public Property, Police, Community Services and Community Development; and designated independent or quasi-independent agencies and advisory boards and commissions. The independent, quasi-independent and advisory agencies shall be those listed below, together with such other commissions, boards or agencies as shall be established from time to time by the Mayor or Council. All members shall be appointed in accordance with the appropriate state statute or by the Mayor consistent with subsection 2-3.4p.

a. *Agencies.*

1. Local Assistance Board
2. Planning Board
3. Environmental Commission
4. Historical Commission
5. Tourism Development Commission
6. Emergency Management

**SECTION V.** Chapter 2 Section 6.4 of the Revised General Ordinances of the City of Sea Isle City, entitled “Municipal Public Defender” is hereby amended to add the following section in its entirety:

**ADDED SECTION:**

**2-6.4 Municipal Public Defender.**

The City shall have at least one (1) Public Defender for its Municipal Court, appointed by the Mayor for a term of one (1) year and until the appointment of a successor. An indigent defendant applying for representation by a Municipal Public Defender in the City shall pay an application fee of two hundred (\$200.00) dollars. The Municipal Court Judge may waive the required application fee, in whole or in part, if the Judge determines, in his or her discretion, that the defendant does not have the ability to pay the application fee. The defendant shall have the burden to prove he or she does not have the ability to pay the application fee.

**SECTION VI.** Chapter 2 Section 7.6 of the Revised General Ordinances of the City of Sea Isle City, entitled “Composition of Department”, is hereby amended to delete the following section in its entirety and replace same as follows:

**DELETED SECTION:**

**2-7.6 Composition of Department.**

The Department of Revenue and Finance shall consist of Tax Collection, Utility Collection, Tax Assessment, Accounting, Revenue Enhancement (Parking and Beach Fees), Technology, Capital Planning, and Sea Isle City Marina.

**REPLACEMENT SECTION:**

**2-7.6 Composition of Department.**

The Department of Revenue and Finance shall consist of Tax Collection, Utility Collection, Tax Assessment, Accounting, Revenue Enhancement (Parking and Beach Fees), Technology and Capital Planning.

**SECTION VII.** Chapter 2 Section 8.2 of the Revised General Ordinances of the City of Sea Isle City, entitled “Powers and Duties of Department”, is hereby amended to delete the following section in its entirety and replace same as follows:

**DELETED SECTION:**

**2-8.2 Powers and Duties of Department.**

The department shall perform all appropriate duties associated with:

- a. Maintenance and repair of streets, roads, alleys, boardwalk, beaches, drainage facilities, fleet, public buildings, and all public infrastructure.
- b. Supervising the recycling and trash collection operations.
- c. Assisting in the preparation of the capital plan.
- d. Administering the traffic maintenance program (signs and lines).
- e. Manage various private sector contracts to provide services.
- f. Obtain grants for various capital and public work projects.
- g. Manage recycling, clean communities, and stormwater management programs.
- h. Maintaining public property.

**REPLACEMENT SECTION:**

**2-8.2 Powers and Duties of Department.**

The department shall perform all appropriate duties associated with:

- a. Maintenance and repair of streets, roads, alleys, boardwalk, beaches, drainage facilities, fleet, public buildings, and all public infrastructure.
- b. Supervising the recycling and trash collection operations.
- c. Assisting in the preparation of the capital plan.
- d. Manage various private sector contracts to provide services.
- e. Obtain grants for various capital and public work projects.
- f. Manage recycling, clean communities, and stormwater management programs.
- g. Maintaining public property.

**SECTION VIII.** Chapter 2 Section 9.2 of the Revised General Ordinances of the City of Sea Isle City, entitled “Composition and Duties of Department”, is hereby amended to delete the following section in its entirety and replace same as follows:

**DELETED SECTION:**

**2-9.2 Composition and Duties of Department.**

The Department of Police shall consist of the Police Department, the Office of Emergency Management, Lifeguard Patrol, Animal Control, found in Chapter V, the Sea Isle City Volunteer Fire Company, and the Division of Emergency Medical Services and shall execute control over these organizations.

**REPLACEMENT SECTION:**

**2-9.2 Composition and Duties of Department.**

The Department of Police shall consist of the Police Department, the Office of Emergency Management, Lifeguard Patrol, Animal Control, found in Chapter V, Sea Isle City Marina, the Sea Isle City Volunteer Fire Company, and the Division of Emergency Medical Services, administering the traffic maintenance program (signs and lines) and shall execute control over these organizations.

The Police Department jurisdiction is encompassed by the City limits, which includes the beaches and the City Marina. The police department shall be responsible for the regulation, control, operation, and use of City parking lots and parking meters installed in all parking meter zones.

**SECTION IX.** Chapter 2 Section 16.5 of the Revised General Ordinances of the City of Sea Isle City, entitled “Court Administrator”, is hereby amended to delete the following section in its entirety and replace same as follows:

**DELETED SECTION:**

**2-16.5 Court Administrator.**

There shall be a Court Administrator who shall be appointed by the Mayor and who shall serve for a term of three (3) years from the date of his/her appointment and until his/her successor is appointed and qualified. The salary of the Court Administrator shall be fixed and set forth in the salary ordinance filed in the Office of the City Clerk and shall be paid in the same manner as the salaries of other municipal officers are paid.

**REPLACEMENT SECTION:**

**2-16.5 Court Administrator.**

There shall be a Court Administrator who shall be appointed by the Mayor and who shall serve for a term of three (3) years from the date of his/her appointment and until his/her successor is appointed and qualified.

**SECTION X.** Chapter 3 Section 6.10 of the Revised General Ordinances of the City of Sea Isle City, entitled “Police Officer to Issue Order to Leave; Refusal to Comply” is hereby amended to delete the following section in its entirety and replace same as follows:

**DELETED SECTION:**

**3-6.10 Police Officer to Issue Order to Leave; Refusal to Comply.**

Whenever any Police Officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or will probably cause any of the conditions enumerated in subsection 3-17.2, he/she may, if he/she deems it necessary for the preservation of the public peace and safety, order the person to leave that place. Any person who shall refuse to leave after being ordered to do so by a Police Officer shall be guilty of a violation of this section.

**REPLACEMENT SECTION:**

**3-6.10 Police Officer to Issue Order to Leave; Refusal to Comply.**

Whenever any Police Officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or will probably cause any of the conditions enumerated in subsection 3-6, he/she may, if he/she deems it necessary for the preservation of the public peace and safety, order the person to leave that place. Any person who shall refuse to leave after being ordered to do so by a Police Officer shall be guilty of a violation of this section.

**SECTION XI.** Chapter 3 Section 21 of the Revised General Ordinances of the City of Sea Isle City, entitled “MUNICIPAL PUBLIC DEFENDER” is hereby amended to delete the following section in its entirety as follows:

**DELETED SECTION:**

**3-21 MUNICIPAL PUBLIC DEFENDER.**

The City shall have at least one (1) Public Defender for its Municipal Court, appointed by the Mayor for a term of one (1) year and until the appointment of a successor. An indigent defendant applying for representation by a Municipal Public Defender in the City shall pay an

application fee of two hundred (\$200.00) dollars. The Municipal Court Judge may waive the required application fee, in whole or in part, if the Judge determines, in his or her discretion, that the defendant does not have the ability to pay the application fee. The defendant shall have the burden to prove he or she does not have the ability to pay the application fee.

**SECTION XII.** 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 letter "f" only in its entirety and replace same 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 \$15.00 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 years following the initial year that an applicant obtains a jitney license from the City, the City will conduct a computer-based 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 through the computer check. 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, Sagem Morpho, Inc., 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. Sagem Morpho charges a fee for the fingerprinting for which the applicant will be responsible. There will be an additional fee of \$20 payable to the City of Sea Isle City, for the processing of the fingerprint documentation required by Sagem Morpho.

**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 \$15.00 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 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 \$20 payable to the City of Sea Isle City, for the processing of the fingerprint documentation required by the vendor.

**SECTION XIII.** Chapter 5 Section 2.9 of the Revised General Ordinances of the City of Sea Isle City, entitled "Annual Canvass of Dogs" is hereby amended to delete the following section in its entirety and reserved for future use as follows:

**DELETED SECTION:**

**5-2.9 Annual Canvass of Dogs.**

The Pound Master or Animal Warden or such other officer as may be designated by the Mayor shall annually cause a canvass to be made of all dogs owned, kept or harbored within the limits of the City, and shall report to the Clerk, the Health Officer of the County Department of Health or to the State Department of Health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring dogs, the number of licensed dogs owned, kept or harbored by each person, together with the registration number of each dog and the number of un-licensed dogs owned by each person, together with a complete description of each unlicensed dog.

**REPLACEMENT SECTION:**

**5-2.9 Reserved.**

**SECTION XIV.** Chapter 10 Section 4 of the Revised General Ordinances of the City of Sea Isle City, entitled "LICENSING CONTRACTORS AND OTHERS" is hereby amended to delete the following Chapter in its entirety and reserve same for future use as follows:

**DELETED SECTION:**

**10-4 LICENSING CONTRACTORS AND OTHERS.**

#### **10-4.1 License Required.**

- a. Every independent contractor, every subcontractor, and every person who engages in any of the building and construction trades within the City shall be licensed.
- b. These terms shall include but not be restricted to independent contractors and subcontractors, carpenters, bricklayers, plasterers, stone masons, and roofers who shall erect, alter, repair or demolish any building or structure or any portion thereof.
- c. Nothing herein contained shall require a mechanic in the employ of a licensed independent contractor or subcontractor to obtain such license.

#### **10-4.2 Applicability to Homeowners.**

Nothing in this section shall be construed to prevent a property owner from doing his own work or from hiring a person by the hour or day; provided however, every property owner doing his own work or hiring a person by the hour or day shall apply for a permit from the Construction Official for the work he seeks to do as set forth in the Uniform Construction Code.

#### **10-4.3 Proof of Insurance.**

Prior to the issuance of any license, the applicant shall provide the Construction Office with proof or a certificate of general liability insurance and, where appropriate, Workers' Compensation and Employer's Liability Insurance.

#### **10-4.4 License Fee; Term; Revocation.**

- a. The license fee for each contractor, subcontractor and mechanic is hereby established at the sum of one hundred twenty-five (\$125.00) dollars per year.
- b. All licenses shall expire on December 31 of each year and shall be renewed as of January 2 of each immediately following year, and must be fully paid no later than January 15 of each year.
- c. Licenses may be revoked by the Construction Official and/or the Director of Police for any violation of this section or any ordinance of the City, after public hearing on notice to the licensee. When such notice is served on any licensee, all work then under way shall stop with the serving of the notice. At the written request of the licensee to the Administrator within five (5) days after service of the notice, the Administrator shall grant a public hearing to the licensee. The public hearing shall be conducted by the Administrator within ten (10) days after the written request therefor. Continuation of work after revocation notice shall constitute a violation of this section.

#### **10-4.5 Penalty.**

Any person, firm, association, partnership or corporation violating Section 10-4 shall, upon conviction before the Judge of the Municipal Court, or other officer having jurisdiction, be subject to a fine not exceeding one thousand (\$1,000.00) dollars or imprisonment in the County Jail for a term not exceeding ninety (90) days, all of the aforesaid, however, being in the discretion of the Judge or other official having jurisdiction. Any repetition of any violation of this section shall be deemed a new offense, and each day any such violation is permitted to continue shall be deemed a new offense.

#### **REPLACEMENT SECTION:**

#### **10-4 RESERVED.**

**SECTION XV.** Chapter 10 Section 1.2a.1 of the Revised General Ordinances of the City of Sea Isle City, entitled "Construction Fee Schedule" is hereby amended to add the following letter "(e)" in alphabetical order (all other letters remain the same) as follows:

#### **ADDED SECTION:**

#### **10-1.2 Construction Fee Schedule.**

- a. The fee for a Construction Permit shall be the sum of the subcode fees listed in this subsection and shall be paid before a Permit is issued.

1. Building Subcode Fee. The Building Subcode Fee shall be:

- (e) Foundation Bonding. The Foundation Bonding fee shall be twenty six (\$26.00) dollars.



**SECTION XVI.** Chapter 10 Section 1.2a.7 - 17 of the Revised General Ordinances of the City of Sea Isle City, entitled "Construction Fee Schedule" is hereby amended to delete the following letter a, numbers 7-17 only in their entirety and replace same as follows:

**DELETED SECTIONS:**

**10-1.2 Construction Fee Schedule.**

a. The fee for a Construction Permit shall be the sum of the subcode fees listed in this subsection and shall be paid before a Permit is issued.

7. The fee for plan review shall be twenty (20%) percent of the amount to be charged for the Construction Permit, with a minimum fee of fifty (\$50.00) dollars to be paid at the time the permit is issued. The amount paid for this fee shall be included in the amount of the fee to be charged for the Construction Permit. When a department plan review fee has been collected pursuant to the regulations or when a plan review is waived, then the enforcing agency Construction Permit Fee shall be reduced by twenty (20%) percent from the amount otherwise specified in the municipal enforcing agency fee schedule. Review fees are not refundable.

8. The fee for a permit for demolition of a building or structure shall be five hundred (\$500.00) dollars.

9. The fee for a permit for moving a building or addition shall be one thousand (\$1,000.00) dollars and shall accompany the application pursuant to subsection 10-7.3.

10. The fee for a permit to construct a sign shall be two dollar and ten (\$2.10) cents per square foot of the surface area of the sign, provided that the minimum fee shall be fifty-five (\$55.00) dollars. The fee is based on one side of double signs. In the case of double faced signs, the area of the surface of only one (1) side of the sign shall be used for purposes of the fee computation. For irregular shaped signs, the square footage shall be computed by multiplying the overall width, by the overall length.

11. The fees for Certificates of Occupancy shall be as follows:

(a) The fee for a Certificate of Occupancy shall be ten (10%) percent of the Construction Permit Fees; provided that the minimum fee shall be twenty-five (\$25.00) dollars and shall be paid before the Certificate is issued;

(b) The fee for a Certificate of Continued Occupancy shall be one hundred twenty (\$120.00) dollars;

(c) The fee for the Certificate of Occupancy pursuant to a change of use shall be one hundred twenty (\$120.00) dollars.

12. The fee for a permit for installation of an elevator in structures in use group R-3 or R-4 shall be fifty (\$50.00) dollars per elevator. The fee for installation of an elevator in structures in any other use group shall be two hundred sixty (\$260.00) dollars per elevator. The fee for installation of dumbwaiters in use group R-3 and R-4 or otherwise exempt devices in R-2 structures shall be fifty (\$50.00) dollars.

13. In computing fees, the result of which comes out to both dollars and cents, the fee shall be rounded to the next dollar amount.

14. Refunds. In the case of discontinuance of a building project, the volume of the work actually completed shall be computed, any excess for the uncompleted work shall be returned to the permit holder, except that all penalties that may have been imposed on the permit holder under the requirements of the regulations shall first be collected. Plan review fees are not refundable.

15. The fee for the renovations, alterations, re-roofing, repairs, and site construction associated with premanufactured construction and the external utility connections for premanufactured construction shall be fourteen (\$14.00) dollars per one thousand (\$1,000.00) dollars of estimated costs.

16. Temporary structures and all structures for which volume cannot be computed such as swimming pools and open structural towers shall be ninety-five (\$95.00) dollars.

17. Test and inspection fees shall be as follows:

(a) The Department fees for witnessing acceptance tests and performing inspections on new and altered elevator devices shall be as follows:

(1) The basic fees for elevator devices in structures not in Use Groups R-3 or R-4, or in an exempted R-2 structure, shall be as follows:

- (i) Traction and winding drum elevators:
  - [a] One (1) to ten (10) floors \$243.00
  - [b] Over ten (10) floors \$405.00
- (ii) Hydraulic elevators \$216.00
- (iii) Roped hydraulic elevators \$243.00
- (iv) Escalators, moving walks \$216.00
- (v) Dumbwaiters \$ 54.00
- (vi) Stairway chairlifts, inclined and vertical wheelchair lifts and manlifts \$ 54.00

(2) Additional charges for devices equipped with the following features shall be as follows:

- (i) Oil buffers (charge per oil buffer) \$ 43.00
- (ii) Counterweight governor and safeties \$108.00
- (iii) Auxiliary power generator \$ 81.00

(3) The Department fee for elevator devices in structures in Use Groups R-3 or R-4, or otherwise exempt devices in R-2 structures, shall be one hundred sixty-two (\$162.00) dollars. This fee shall be waived when signed statements and supportive inspection and acceptance test reports are filed by an approved qualified agent or agency in accordance with N.J.A.C. 5:23-2.18 and 2.20.

(4) The fee for performing inspections of minor work shall be fifty-four (\$54.00) dollars.

(b) The Department fees for routine and periodic tests and inspections for elevator devices in structures not in Uses R-3 or R-4, or otherwise exempt devices in R-2 structures, shall be as follows:

(1) The fee for the six month routine inspection of elevator devices shall be as follows:

- (i) Traction and winding drum elevators:
  - [a] One (1) to ten (10) floors \$151.00
  - [b] Over ten (10) floors \$194.00
- (ii) Hydraulic elevators \$108.00
- (iii) Roped hydraulic elevators \$151.00
- (iv) Escalators, moving walks \$151.00

(2) The fee for the one (1) year periodic inspection and witnessing of tests of elevator devices, which shall include a six (6) month routine inspection, shall be as follows:

- (i) Traction and winding drum elevators:
  - [a] One (1) to ten (10) floors \$216.00
  - [b] Over ten (10) floors \$259.00
- (ii) Hydraulic elevators \$162.00
- (iii) Roped hydraulic elevators \$216.00
- (iv) Escalators, moving walks \$346.00
- (v) Dumbwaiters \$ 86.00
- (vi) Moonlights, stairway chairlifts, inclined and vertical wheelchair lifts \$130.00

(3) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows:

- (i) Oil buffers (charge per oil buffer) \$ 43.00
- (ii) Counterweight governor and safeties \$ 86.00
- (iii) Auxiliary power generator \$ 54.00

(4) The fee for the three (3) year or five (5) year inspection of elevator devices shall be as follows:

- (i) Traction and winding drum elevators:
  - [a] One (1) to ten (10) floors (five-year inspection) \$367.00
  - [b] Over ten (10) floors (five-year inspection) \$410.00
- (ii) Hydraulic and roped hydraulic elevators:
  - [a] Three year inspection \$270.00
  - [b] Five year inspection \$162.00

(c) When the Department is the enforcing agency, the fees set forth in paragraph (b) above shall be paid annually in accordance with the following schedule, which is based on the average of the fees to be collected over a five (5) year period:

(1) Basic annual fee as follows:

- (i) Traction and winding drum elevators:
  - [a] One (1) to ten (10) floors \$400.00
  - [b] Over ten (10) floors \$486.00
- (ii) Hydraulic elevators \$292.00
- (iii) Roped hydraulic elevators \$324.00
- (iv) Escalators, moving walks \$497.00
- (v) Dumbwaiters \$ 86.00
- (vi) Stairway chairlifts, inclined and vertical wheelchair lifts, manlifts \$130.00

(2) Additional charges for devices equipped with the following features as follows:

- (i) Oil buffers (charge per oil buffer) \$ 43.00
- (ii) Counterweight governor and safeties \$ 86.00
- (iii) Auxiliary power generator \$ 54.00

(3) Annual fee for inspections at seasonal facilities shall be as follows:

- (i) Traction and winding drum elevators:
  - [a] One (1) to ten (10) floors \$246.00
  - [b] Over ten (10) floors \$289.00
- (ii) Hydraulic elevators \$184.00
- (iii) Roped hydraulic elevators \$216.00
- (iv) Escalators, moving walks \$346.00
- (v) Dumbwaiters \$ 86.00
- (vi) Stairway chairlifts, inclined and vertical wheelchair lifts, manlifts \$130.00

(4) Additional charges for devices equipped with the following features as follows:

- (i) Oil buffers (charge per oil buffer) \$ 43.00
- (ii) Counterweight governor and safeties \$ 86.00
- (iii) Auxiliary power generator \$ 54.00

**REPLACEMENT SECTIONS:**

**10-1.2 Construction Fee Schedule.**

7. Mechanical Subcode fees shall be as follows:

For new installation or replacement of mechanical equipment and h.v.a.c. systems in an existing building of R3 and R5 construction type:

Minimum Fee	\$120.00
Fuel oil piping connection	\$ 78.00
Gas Piping	\$ 78.00
Appliance	\$ 56.00
Chimney	\$ 56.00
Water Heater	\$ 78.00
Steam Boiler	\$ 78.00
Hot Air Furnace	\$ 56.00
Oil Tank	\$ 40.00
LPG Tank	\$ 40.00
Fireplace	\$ 56.00
Generator	\$ 56.00
Condensate Drain	\$ 13.00

8. Elevator inspections and subcode fees. Elevators, escalators, moving walks, and dumb-waiters shall be inspected by and the subcode fees shall be the same as the State of New Jersey, Department of Community affairs, pursuant to N.J.A.C. 5:23-12.

9. The fee for plan review shall be twenty (20%) percent of the amount to be charged for the Construction Permit, with a minimum fee of fifty (\$50.00) dollars to be paid at the time the permit is issued. The amount paid for this fee shall be included in the amount of the fee to be charged for the Construction Permit. When a department plan review fee has been collected pursuant to the regulations or when a plan review is waived, then the enforcing agency construction permit fee shall be reduced by twenty (20%) percent from the amount otherwise specified in the municipal enforcing agency fee schedule. Review fees are not refundable.

10. The fee for a permit for demolition of a building or structure shall be five hundred (\$500.00) dollars.

11. The fee for a permit for moving a building or addition shall be one thousand (\$1,000.00) dollars and shall accompany the application pursuant to subsection 10-7.3.

12. The fee for a permit to construct a sign shall be one dollar and twenty (\$1.20) cents per square foot of the surface area of the sign, provided that the minimum fee shall be forty-five (\$45.00) dollars. The fee is based on one side of double signs. In the case of double faced signs, the area of the surface of only one (1) side of the sign shall be used for purposes of the fee computation. For irregular shaped signs, the square footage shall be computed by multiplying the overall width, by the overall length.

13. The fees for Certificates of Occupancy shall be as follows:

(a) The fee for a Certificate of Occupancy shall be ten (10%) percent of the Construction Permit Fees; provided that the minimum fee shall be twenty-five (\$25.00) dollars and shall be paid before the Certificate is issued;

(b) The fee for a Certificate of Continued Occupancy shall be one hundred twenty (\$120.00) dollars;

(c) The fee for the Certificate of Occupancy pursuant to a change of use shall be one hundred twenty (\$120.00) dollars.

14. The fee for installation of an elevator in structures in any use group shall be two hundred sixty (\$260.00) dollars per elevator. The fee for installation of dumbwaiters in use group R-3 and R-5 or otherwise exempt devices in R-2 structures shall be fifty (\$50.00) dollars.

15. In computing fees, the result of which comes out to both dollars and cents, the fee shall be rounded to the next dollar amount.

16. Refunds. In the case of discontinuance of a building project, the volume of the work actually completed shall be computed, any excess for the uncompleted work shall be returned to the permit holder, except that all penalties that may have been imposed on the permit holder under the requirements of the regulations shall first be collected. Plan review fees are not refundable.

17. The fee for the renovations, alterations, re-roofing, repairs, and site construction associated with premanufactured construction and the external utility connections for premanufactured construction shall be fourteen (\$14.00) dollars per one thousand (\$1,000.00) dollars of estimated costs.

**SECTION XVII.** Chapter 13 Section 3.3 of the Revised General Ordinances of the City of Sea Isle City, entitled “Fee for Inspection” is hereby amended to delete the following Sections in its entirety and replace same as follows:

**DELETED SECTION:**

**13-3.3 Fee for Inspection.**

The fee to be charged by the City Fire Official per inspection shall be twenty-five (\$25.00) dollars, which fee shall cover the smoke detector inspection and vent compliance inspection pursuant to subsection 13-1.4.

**REPLACEMENT SECTION:**

**13-3.3 Fee for Inspection.**

The fee to be charged by the City Fire Official per inspection shall be forty-five (\$45.00) dollars, which fee shall cover the smoke detector inspection and vent compliance inspection pursuant to subsection 13-1.4.

**SECTION XVIII.** Chapter 15 Section 1.2 of the Revised General Ordinances of the City of Sea Isle City, entitled “Permit Required; Fee” is hereby amended to delete the following letter “a” only in its entirety and replace same as follows:

**DELETED SECTION:**

**15-1.2 Permit Required; Fee.**

a. No person, firm, corporation or partnership shall tear up, excavate, open or perform work of any other nature on any street under the control of the City without first having obtained and being in possession of a valid permit to do such work issued by the Director of Public Works or his/her designee and paying a fee of five (\$5.00) dollars per square yard to be opened and posting sufficient security.

**REPLACEMENT SECTION:**

**15-1.2 Permit Required; Fee, Escrow, Performance and Maintenance Bond.**

a. No person, firm, corporation or partnership shall tear up, excavate, open or perform work of any other nature on any street under the control of the City without first having obtained and being in possession of a valid permit to do such work issued by the Director of Public Works or his/her designee and pay applicable fee, escrow, and posting of sufficient security as follows:

**1. Fees**

(a) For any street opening permit issued during the five (5) - year period following resurfacing, there will be a street restoration fee of one thousand (\$1,000.00) dollars, in addition to any other fees required.

(b) In addition to any other fees, applications made by any person shall be accompanied by a fee as calculated by the formula set forth as follows:

(1) For square yards of six (6) square yards or less \$250.00

(2) For square yards in excess of six (6) square yards \$350.00

(3) For emergency opening of six (6) square yards or less \$275.00

(4) For emergency opening in excess of six (6) square yards \$375.00

(c) Applicant shall be responsible to pay the City Engineer for all required inspections as required in 15-1.5.

At time of submission of application, in addition to any other fees or bonds, the applicant shall place in escrow five hundred (\$500.00) dollars for each inspection to cover the costs of the City Engineer.

(d) Fees will not be applicable to openings within streets for which the property owner has received notification of the City's intent to pave, provided the opening is made prior to resurfacing.

## **2. Performance Bond.**

(a) Every application shall be accompanied by a performance bond or certified check in the full amount of the estimated restoration costs as indicated on the approved application as approved by the City Engineer.

(b) A public utility company or construction company, in lieu of giving a separate bond for each project, may annually, prior to January 15<sup>th</sup> of each year, post a performance bond in the amount of one hundred fifty thousand. (\$150,000.00) dollars or for an increased amount as determined by the City. If an increased amount is required, notice of same shall be sent to the utility company by December 15<sup>th</sup> of each year. A decreased amount may be requested in writing by the utility company based on actual work undertaken within the City in the previous year. Said request shall be forwarded to the Director of Public Works by December 15<sup>th</sup> of each year. A reduction in bonding amount shall be at the discretion of the City, as determined by the Director of Public Works. No permits shall be issued until the bond has been approved by the City. Use of combined performance and maintenance bond may be requested in writing by the utility company. Said request shall be forwarded to the Director of Public Works by December 15<sup>th</sup> of each year. The use of a combined bond shall be at the discretion of the City, as determined by the Director of Public Works.

## **3. Maintenance Bond**

(a) The applicant shall also be required to post a maintenance bond and/or certified check in the amount of twenty-five (25%) percent of the performance bond. The maintenance bond shall serve to guarantee that the utility opening restoration will remain in good condition for five (5) years.

(b) Maintenance bonds shall remain in effect for five (5) years. Security in the form of cash or negotiable instrument shall be held in escrow for five (5) years.

**SECTION XIX.** Chapter 15 Section 1.6 of the Revised General Ordinances of the City of Sea Isle City, entitled "Bonding Requirements" is hereby amended to delete the following letter "a" only in its entirety and replace same as follows:

### **DELETED SECTION:**

#### **15-1.6 Bonding Requirements.**

a. Every application shall be accompanied by a maintenance bond in the amount of fifteen dollars and fifty (\$15.50) cents per square yard of excavation or construction. If no bond is provided, a certified check in the same amount or a minimum of seventy-five (\$75.00) dollars shall be provided with the application.

b. A public utility company or construction company, in lieu of giving a separate bond for each project, may annually in January post a bond in an amount sufficient to encompass the estimated work performed by the company during the ensuing calendar year. In the event that construction, excavation or road openings exceed the posted bond amount, additional bonds and/or cash security will be required.

c. The purpose of depositing the maintenance bond, surety bond or cash is to guarantee to the City that any construction excavation or road opening will be performed and completed in an acceptable fashion consistent with the provisions of this section. In the event that the City Engineer determines that the excavation, construction or restoration and refilling has not been performed consistent with the requirements of this section, he/she shall be entitled, after reasonable notice to the applicant to correct such deficiencies, to take the maintenance bond, surety bond or cash posted by the applicant and utilize them to correct any deficiencies and have the area restored to its proper condition.

### **REPLACEMENT SECTION:**

#### **15-1.6 Minimum Bonding Requirements; Performance and/or Maintenance Bond Used to Cure Deficiencies.**

- a. The bond shall have an identifying number.
- b. The name and address of the principal shall be listed on the bond and in the case of a corporation or partnership, the State of incorporation and partnership must be noted.

- c. The name, address, and phone number of the surety company shall be listed on the bond and in addition the company shall be authorized to issue bonds in the State of New Jersey.
- d. The amount of the bond shall be in accordance with amounts established in this Chapter and/or as established by the City Engineer.
- e. The work to be performed shall be clearly defined in the bond.
- f. Determination of the acceptability of all the work covered by the bond shall be at the sole discretion of the City.
- g. The term or expiration date of the bond shall be clearly stated. The term of all performance bonds shall be one (1) year. The term of all maintenance bonds shall be five (5) years.
- h. The manner in which the bond may be called in the event of nonperformance shall be specified in the bond.
- i. The bond shall be signed and attested to by the appropriate persons for the principal and the surety company together with the appropriate form of notarization.
- j. Bond shall be reviewed and approved by the City Solicitor prior to acceptance.
- k. Performance bonds shall not be released until satisfactory maintenance bonds have been posted.
- l. The purpose of depositing the performance bond, maintenance bond, and/or cash security is to guarantee to the City of Sea Isle City that any construction, excavation or road opening will be performed and completed in an acceptable fashion consistent with the provisions of this section.
- m. If the applicant fails to complete restoration by the date indicated on the approved permit, the City shall have the right to attach and utilize the bond posted by the applicant to complete said work.
- n. In the event that the City Engineer determines that the excavation, construction or restoration and/or refilling has not been performed consistent with the requirements of this section, the City shall be entitled, after reasonable notice to the applicant to correct such deficiencies, to take the performance bond, maintenance bond, surety bond or cash posted by the applicant and utilize them to correct any deficiencies and have the area restored to its proper condition.
- o. If it becomes necessary for the City to undertake legal action due to unsatisfactory work, and the cost incurred by the City exceeds the original bond value, the City reserves the right to recover the extra cost from the applicant.

**SECTION XX.** Chapter 22 Section 1.0 of the Revised General Ordinances of the City of Sea Isle City, entitled “Construction and Height of Bulkhead” is hereby amended to delete the following section in its entirety and replace same as follows:

**DELETED SECTION:**

**22-1.0 Construction and Height of Bulkhead.**

All waterfront property shall be properly bulkheaded. No bulkhead shall be constructed unless the owner shall have obtained a construction permit consistent with subsection 22-1.4 of this chapter. All new construction, rebuild or repair of a bulkhead, except ordinary maintenance, shall be constructed to a height of at least seven and one-half (7.5') feet national geodetic vertical datum, 1929 (N.G.V.D.).

**REPLACEMENT SECTION:**

**22-1.0 Construction and Height of Bulkhead.**

All waterfront property shall be properly bulkheaded. No bulkhead shall be constructed unless the owner shall have obtained a construction permit consistent with subsection 22-1.4 of this chapter. All new construction, reconstruction or repair of a bulkhead, except ordinary maintenance, shall be constructed to Elevation Seven (7.0') Feet based on the North American Vertical Datum (N.A.V.D.) of 1988.

**SECTION XXI.** Chapter 22 Section 1.4 of the Revised General Ordinances of the City of Sea Isle City, entitled “Construction Permit Contingent Upon Compliance” is hereby amended to delete the following section in its entirety and add the following section as follows:

**DELETED SECTION:**

**22-1.4 Construction Permit Contingent Upon Compliance.**

No construction permit shall be issued for the construction of any improvement on any waterfront property unless the property is properly bulkheaded. Prior to the issuance of any construction permit for waterfront property, the owner shall submit plans for the bulkhead prepared by a licensed engineer to the Construction Official who shall, in turn, transmit the plan to the City Engineer for review. The Construction Official shall not issue the construction permit until the City Engineer has approved the plans. Upon successful construction of the approved bulkhead by the property owner, the Construction Official may issue a construction permit for improvement to the property.

**REPLACEMENT SECTION:**

**22-1.4 Construction Permit Contingent Upon Compliance.**

No construction permit shall be issued for the construction of any improvement on any waterfront property unless the property is properly bulkheaded. prior to the issuance of any construction permit for waterfront property, the owner shall submit plans for the bulkhead prepared by an engineer licensed in the State of New Jersey to the Construction Official who shall, in turn, transmit the plan to the City Engineer for review. The Construction Official shall not issue the construction permit until the City Engineer has approved the plans. Upon successful construction of the approved bulkhead by the property owner, the Construction Official may issue a construction permit for improvement to the property. The cost of engineer review shall be at prevailing rate, the owner shall submit escrow fees at time of submission of plans as follows:

- a. Escrow fee of \$1000.00 for initial review of bulkhead plans and one review of revised plans.
- b. Escrow fee of \$500.00 for a second review and for each subsequent review thereafter of revised bulkhead plans.

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

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

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Mary Tighe, Council President

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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 26<sup>th</sup> day of December, 2017 and will be taken up for second reading, public hearing and final passage at the regular meeting of said Council to be held on the 23<sup>rd</sup> day of January, 2018, in City Hall, 3<sup>rd</sup> Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10: a.m.

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Cindy L. Griffith, Municipal Clerk