

RESOLUTION # 2020

WHEREAS, Egg Harbor City has many thriving restaurants and these establishments are small businesses that employ many citizens from Egg Harbor City and surrounding communities; and

WHEREAS, due to the unprecedented health hazard posed by the Coronavirus Disease ("COVID-19") and the mandatory closure of bars and on premises dining by Governor Murphy in response to the crisis, these businesses are suffering financially; and

WHEREAS, the plan for reopening of these businesses has not been finalized but it is anticipated that strict "social distancing" guidelines will be required and that capacities will be significantly reduced for these businesses; and

WHEREAS, in an effort to help these businesses recover from the effects of this crisis and to get as many people as possible back to work, the municipality is considering, through the suspension and/or modification of existing local ordinances, allowing the licenses to extend their operations for an extended period of time into parking lots, sidewalks, and other right-of-way spaces with the caveat that the safety of the public as well as that of the employees is given the highest consideration; and

WHEREAS, THE City will require that all applicable insurances be in place and that all required inspections are performed.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Egg Harbor hereby requests that New Jersey Division of Alcoholic Beverage Control creates provisions for granting permits to extend licensed premises to licensees for extended periods of time, up to 4 months, and to put in place procedures to expedite the requests for extension of premises.

BE IT FURTHER RESOLVED, by the Common Council of the City of egg Harbor that a copy of this resolution be sent to the Governor of New Jersey, the Acting Director of the New Jersey Division of Alcoholic Beverage Control, James Graziano, New Jersey State senator Chris A. Brown, New Jersey State Assemblyman Vincent Mazzeo, and New Jersey State Assemblyman John Aramato.

I, Meg Steeb, City clerk of the City of Egg Harbor, New Jersey, hereby certify that the foregoing is a true copy, duly adopted by the Common Council of said City at a Regular meeting held on May 28, 2020. In witness thereof, I have hereunto set my hand and seal of the Office on the 28<sup>th</sup> day of May 2020.

Dated: May 28, 2020

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Meg Steeb, RMC, City Clerk

CITY OF EGG HARBOR  
RESOLUTION #

APPROVING ACCUMULATED ABSENCE

WHEREAS, City Water & Sewer Superintendent, Jerry Gleason, resigned as May 22, 2020 and has accumulated absences to be paid out as follows:

360 sick hours, 280 vacation hours - total of \$25,428.59

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds available to pay these accumulated absences,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Egg Harbor, County of Atlantic, State of New Jersey, that the accumulated absences listed above are approved.

Certified to be a true copy of a Resolution adopted by the Common Council of the City of Egg Harbor, County of Atlantic, State of New Jersey, on the 28th day of May 2020.

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Meg Steeb, City Clerk

Dated: May 28, 2020

CITY OF EGG HARBOR  
RESOLUTION #-2019

A RESOLUTION OF THE CITY OF EGG HARBOR AMENDING THE SALARY  
RESOLUTION OF 2020

WHEREAS, the 2020 lake salaries are to be amended to the following:

Manager	\$18.00
5+ Year Lifeguard	\$16.00
4 Year Lifeguard	\$15.00
3 Year Guard	\$14.00
2 Year Guard	\$13.00
1 Year Guard	\$12.00

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Egg Harbor, County of Atlantic, State of New Jersey, that the salaries for the above positions be amended.

Certified to be a true copy of a Resolution adopted by the Common Council of the City of Egg Harbor, County of Atlantic, State of New Jersey, on the 28<sup>th</sup> day of May, 2020.

Motioned: \_\_\_\_\_ Seconded: \_\_\_\_\_

Dated: May 28, 2020

\_\_\_\_\_  
Meg Steeb, City Clerk

**EGG HARBOR CITY  
COUNTY OF ATLANTIC  
STATE OF NEW JERSEY**

**RESOLUTION**

**WHEREAS**, A lien was sold at a Tax Sale on December 17, 2019 to US Bank, Custodian for ProCap 8, Certificate Number 19-00025, for a property known as Block 104, Lot 30, located at 327 White Horse Pike, Assessed to Madrid, Valentin. And,

**WHEREAS**, A prior lien existed on this property, owned by Egg Harbor City, Tax Sale Certificate 18-00030, struck off to the Municipality on December 18, 2018 And,

**WHEREAS**, According to N.J.S.A. 54:5-65, A prior lien holder shall redeem a subsequent lien,

**NOW, THEREFORE, BE IT RESOLVED** by Mayor and Common Council of Egg Harbor City, New Jersey That a refund in the amount of \$1894.94 be issued to US Bank for ProCap 8 for the redemption of Tax Sale Certificate 19-00025. This amount will be added to the balance due to the Egg Harbor City on their Tax Sale Certificate 18-00030 and will accrue interest at 18%.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by Mayor and Common Council of Egg Harbor City, New Jersey

**EGG HARBOR CITY**

**Meg Steeb, RMC  
City Clerk**

**Dated:** \_\_\_\_\_

**Motion:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**ORDINANCE NO. 11 - 2020**

**ORDINANCE OF THE COUNCIL OF THE CITY OF EGG HARBOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AMENDING THE CODE OF THE CITY OF EGG HARBOR, PART I ADMINISTRATIVE LEGISLATION, CHAPTER 52, OFFICERS AND EMPLOYEES, AND CREATING ARTICLE XXXII, PROVIDING FOR THE ESTABLISHMENT OF THE POSITION OF DIRECTOR OF PUBLIC SAFETY**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Egg Harbor, County of Atlantic, State of New Jersey, that the Code of the City of Egg Harbor is amended and supplemented as follows:

**SECTION 1.** Chapter 52 is amended as follows:

**§52-96 - Establishment of position.**

There is hereby established the position of the Director of the Police Department of the City of Egg Harbor, who shall be designated and known as the Director of Public Safety.

**§52-97 - Appointment.**

The Director shall be appointed by the Mayor of the City of Egg Harbor, with the advice and consent of the City Council.

**§52-98 - Term of office.**

The Director shall be appointed for and shall serve during the term established by the Mayor, with the advice and consent of the City Council and until the appointment and qualification of his successor, or the abolition of this position.

**§52-99 - Salary.**

The Director shall receive an annual compensation including but not limited to salary, benefits, and/or other compensation, to be paid in the same manner as other department heads and officers of the City of Egg Harbor and as established by the Governing Body of the City of Egg Harbor.

**§52-100 - Qualifications.**

No person shall be qualified for appointment as Director of the Police Department unless such person shall be of high moral character and shall not have been convicted of a crime as defined in N.J.S.A. 2C:1-4 or shall not have been convicted of a disorderly or petty disorderly offense in the past 10 years. Furthermore, no person shall be qualified for appointment as Director of the Police Department unless such person shall have:

- A. Graduated from an accredited college or university with a bachelor's degree.
- B. An advanced degree or accreditation in criminal justice, police administration, business/public administration, or related field; or additional specialized education/certification, such as completion of the FBI National Academy.
- C. A minimum of ten (10) years of progressively responsible law enforcement experience, no less than five (5) of which shall have been in a responsible capacity in public administration and policy-making.
- D. Five (5) years of supervisory police experience providing assistance and protection to persons, safeguarding of property, observance of the law, and apprehension of lawbreakers.
- E. An equivalent combination of education and experience that provides the necessary knowledge, skills and abilities to perform the job.

**§ 52-101 - Part-time position.**

The office of the Director of Public Safety is hereby declared to be a part-time position. The Director shall serve not less than 20 hours per week and not more than 29 hours per week. The Director shall be primarily stationed at the Egg Harbor Police Building.

**§ 52-102 - Powers and duties.**

- A. The Director shall possess all of the general appointment and supervisory powers granted to department heads pursuant to N.J.S.A. 40:69A-43 and is designated the appropriate authority pursuant to N.J.S.A. 40A:14-118, but the Director's responsibility for the fiscal and administrative affairs of the Police Department shall also be subject to other provisions of the Municipal Code, including but not limited to Chapter 61, that includes the authority to:
  - (1) Adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of members.
  - (2) Provide for the health, safety, or welfare of the City in an emergency situation through special emergency directives.
  - (3) Prepare budget requests and administer the departmental budget.
  - (4) Approve or disapprove payrolls, bills, and claims chargeable to the Department appropriations.
  - (5) Provide such information reports on the work of the Department as may from time to time be required by the Mayor to the Mayor with copies to Council.

- (6) Preside at all departmental hearings and remove or suspend police officers and employees of the Department as provided by law.
  - (7) Perform such other duties as directed by the Mayor, not inconsistent with applicable ordinances and statutes.
  - (8) Examine at any time the operations of the Department or the performance of any officer and members.
- B. The Director shall exercise all power and duties conferred by ordinances of the City of Egg Harbor with respect to license application and approval.
- C. Nothing in this chapter shall conflict with Section 52-18, which designates the Mayor of the City of Egg Harbor as the only appointing authority for the Police Department.

**SECTION 2.** All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 4.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5.** This Ordinance shall take effect upon publication in an official newspaper of the City, as required by and in conformance with law.

### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on the first reading by the Council of the City of Egg Harbor, County of Atlantic, State of New Jersey on \_\_\_\_\_, **2020 at 7:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the City of Egg Harbor Municipal Building located at 500 London Avenue, Egg Harbor City, New Jersey 08215. The Ordinance will be considered for second and final reading at a meeting of the City Committee on May \_\_\_\_\_, **2020, at 7:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the City of Egg Harbor Municipal Building located at 500 London Avenue, Egg Harbor City, New Jersey 08215. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

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**MEG STEEB, Municipal Clerk**

Introduced: May 28, 2020  
Advertisement: June 3, 2020  
Public Hearing: June 11, 2020  
Adoption:

ATTEST:

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Meg Steeb, City Clerk

APPROVED BY THE MAYOR OF THE CITY OF EGG HARBOR

2020

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Lisa Jampetti, Mayor

**ORDINANCE #8-2020  
CALENDAR YEAR 2020  
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Common Council of the City of Egg Harbor in the County of Atlantic finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Common Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 52,510.52 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Common Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Common Council of the City of Egg Harbor , in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the City of Egg Harbor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$183,786.82, and that the CY 2020 municipal budget for the City of Egg Harbor be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduction: May 14, 2020

Publication: May 20, 2020

Public Hearing: May 28, 2020

Adoption:

Certified by:

\_\_\_\_\_  
Meg Steeb, City Clerk

Adoption Vote:

## **CITY OF EGG HARBOR**

### **ORDINANCE #9-2020**

#### **AN ORDINANCE AMENDING THE CODE OF THE CITY OF EGG HARBOR TO PROHIBIT SHORT TERM RENTALS OF RESIDENTIAL PROPERTIES**

WHEREAS, the purpose of this Ordinance is to establish a procedure and authorize rules and regulations thereunder for Short Term Rental Property Prohibition in the City of Egg Harbor; and

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), specifically authorized municipal corporations to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof” and the “rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere”; and

WHEREAS, the City of Egg Harbor wishes to impose penalties as permitted pursuant to N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29 for violations of the provisions established herein for short term rental prohibitions; and

WHEREAS, in recent years, there has risen a proliferation of internet and other media advertising often on websites dedicated to the rental of dwelling units for short terms and for a period of 30 days or less; and

WHEREAS, the City’s experience, as well as common experiences, dictates the conclusion that Short Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within the residential neighborhoods of the city, and essentially converted residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises in violation of the City’s zoning and other codes as well as other state statutes; and

WHEREAS, the City wishes to deter the cyber-social phenomenon of any person renting his/her residential dwelling unit on various websites as well as listing of short term rentals by website businesses of any dwelling unit that constitutes an illegal business operating in violation of the city’s zoning code and other public nuisance ordinances; and

WHEREAS, common problems also frequently associated with such short term rentals include overcrowding, excessive noise, unruly behavior, obscene language, fighting littering, parking of vehicles on lawns, public urination, sanitation issues, poor maintenance of the property and grounds and violation of trash collection ordinances.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Egg Harbor , County of Atlantic and State of New Jersey that the Code of the City of Egg

Harbor is hereby amended to include Ordinance #2020 \_\_\_\_\_ entitled “Short Term Rental Property Prohibition” in the Code of the City of Egg Harbor, to state the following:

## SHORT TERM RENTAL PROPERTY PROHIBITION

### Section 1. Background and Findings:

- A. The City of Egg Harbor finds that the rental of residential dwellings for short-term occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and increased density in residential neighborhoods.
- B. The number of individuals occupying such short-term rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety risks for the occupants, neighbors and nearby properties.
- C. The purpose of this Ordinance is to safeguard the peace, safety and general welfare of the residents of the City and their visitors and guests by eliminating noise, traffic and parking congestion, vandalism, overcrowding, neighborhood uncertainty, high occupant turnover, diminution of neighborhood character, and other secondary effects that have been associated with the short-term rental of residential properties.
- D. The short-term market nationwide has expanded with the use of professional brokers and internet listing services. This increase requires an expansion of enforcement mechanisms to deter parties who facilitate and solicit short term rentals. Because there are numerous homeowners, real estate offices, brokers, and other agencies that actively promote short-term rentals to potential City visitors through the internet and other forms of advertisement, it is necessary to prohibit the promotion and advertisement of short-term rentals.
- E. Therefore, the City adopts the following provisions in order to prohibit short-term residential rentals and enforce said prohibitions.

### Section 2. Definitions

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A. Advertise or Advertisement.** Any written, electronic or oral publication, dissemination, solicitation or circulation which is intended to directly or indirectly induce any person to enter into an agreement for the short-term rental of a dwelling. This definition includes but is not limited to mailings, print advertisements, internet listings, e-mail publications or other oral, printed or electronic media.

**B. Dwelling.** Any single or multi-family residential building or structure in the City, or any part thereof, which is occupied in whole or in part, or intended to be occupied in whole or in part, as a home, residence for sleeping ,cooking, gathering and or entertaining of occupants or guests by one or more individuals. This includes an apartment, house, condominium, building ,co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering, and/or entertaining of occupants and/or guests, for consideration, for a period of 30 days or less.

**C. Facilitate.** A person “facilitates”, if, acting with knowledge that an operator, managing agency or rental agent is renting a dwelling on a short-term basis, the person knowingly provides the operator, managing agency or rental agent with means or opportunity for the commission of said offense.

**D. Housekeeping Unit.** Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Courts.

**E. Person.** Any entity, individual, corporation, association, firm, partnership, limited liability company, or any combination, who legally uses, possesses, owns, leases, sub-leases or licenses (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) and that has charge, care control or participates in the expenses and/or profit of a dwelling pursuant to a written or unwritten agreement, rental, lease, license ,use, occupancy agreement, or any other agreement.

**F. Rent.** The consideration or remuneration charged, whether or not received, for the occupancy or use of a dwelling, whether to be received in money, goods, services, labor, other use of other dwellings, or otherwise.

**G. Rental.** An agreement between persons whereby rent is charged in exchange for the right to occupy or use a dwelling.

**H. Short-term rental.** Any rental of a dwelling for a period of 30 days or less.

**I. Solicit.** A person “solicits”, if, with the intent to promote or facilitate the short-term rental of a dwelling, such person commands, encourages, requests or solicits another person to engage in a short term rental agreement.

### Section 3. Prohibited Conduct

A. No person shall use, possess or occupy a dwelling on a short-term rental basis.

B. No person shall enter a short-term rental agreement for a dwelling.

- C. No person owning, leasing, or having control of a dwelling shall allow it to be used, occupied or possessed as a short term rental.
- D. No person shall advertise, solicit or facilitate a short-term rental agreement for a dwelling.
- E. Nothing in this chapter shall prevent the otherwise lawful occupancy of a dwelling place for a rental period of more than 30 days.
- F. Nothing in this chapter shall prevent the lawful occupancy of a dwelling by a persons who are members of the housekeeping unit of the owner, without consideration, such as houseguests, for a period of 30 days or less.

#### Section 5. Violations and Penalties

- A. Any person who violates any provision of this Ordinance shall be fined as follows:
  - 1. For a first violation-a fine of \$750.00 per day for each violation for each dwelling unit.
  - 2. For a second violation- a fine of not less than \$750.00 and not more than \$1,200.00 per day for each violation for each dwelling unit.
  - 3. For a third or subsequent violation-a fine of not less than \$1,200.00 and not more than \$2,500.00 per day for each violation for each dwelling unit.
- B. Each day that a person violates a provision of this Ordinance shall be considered as a separate and distinct violation.

#### Section 6. Enforceability

This Ordinance may be enforced by the Zoning Official, Building Code or Sub-Code official or by any other City official or employee so designated by the Mayor and Council.

#### Section 7. Severability

If any article, section, sub-section, sentence, clause, or phase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 8. Effective Date

This Ordinance will take effect upon final passage, publication and adoption as required by law.

Introduced: May 14, 2020

Published: May 20, 2020

Public Hearing: May 28, 2020

Adopted:

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Meg Steeb, City Clerk

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Lisa Jiampetti, Mayor

## **CITY OF EGG HARBOR**

### **ORDINANCE #10-2020**

#### **AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE CITY EGG HARBOR, PART II-GENERAL LEGISLATION, CHAPTER 97, TITLED ANIMALS**

WHEREAS, the purpose of this Ordinance is to amend Chapter 97, titled, Animals, of the general regulations of the Code of the City of Egg Harbor pertaining to the keeping of farm animals and wild animals in residences in the City; and

WHEREAS, the Mayor and Council of the City of Egg Harbor find that the same would benefit the health, safety and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body for the City of Egg Harbor, County of Atlantic and State of New Jersey, that Chapter 97 is amended as follows:

#### **PART 8. FARM ANIMALS AND WILD ANIMALS**

##### **ARTICLE XV. TYPES OF ANIMALS NOT PERMITTED**

- A. No person shall own, keep or harbor a wolf or wolf hybrid within any residence in the City.
- B. No person shall own, keep or harbor any exotic animal which is covered by the Endangered Species Act within any residence in the City.
- C. No person shall own, keep or harbor any pig, horse or other farm animal greater than 20 pounds in any residence in the City.
- D. No person shall own, keep or harbor any wild animal as a pet in a residence within the City.
- E. No person shall own, keep or harbor any turkeys or wild birds within any residence in the City.
- F. Nothing in this section prohibits the keeping or owning of any domesticated animal kept for pleasure rather than utility or profit which is normally kept within a residence and includes without limitation, gerbils, guinea pigs, hamsters, small reptiles, small birds, turtles and tropical fish.
- G. Nothing in this section shall amend or repeal the definition of Residential Agriculture found in the Code of the City of Egg Harbor. Section 170-17.

##### **ARTICLE XVI. VIOLATIONS AND PENALTIES**

Any person who fails to comply with the provisions of this article shall pay upon conviction thereof and be subject to a fine not to exceed \$50.00. Each and every day such violation continues shall be considered as a separate and specific violation of this article and the penalties herein prescribed shall apply to such separate and specific offenses.

BE IT FURTHER ORDAINED, that if any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication.

INTRODUCED: May 14, 2020

PUBLISHED: May 20, 2020

PUBLIC HEARING: May 28, 2020

ADOPTED:

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Meg Steeb, City Clerk

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Lisa Jiampetti, Mayor