

CITY OF EGG HARBOR

RESOLUTION # _____ 2021

RESOLUTION ACCEPTING SETTLEMENT ON THE CASE OF AIKEN v. EGG HARBOR CITY POLICE DEPARTMENT

WHEREAS, Patrick Aiken filed a lawsuit against the Egg Harbor City Police Department under docket #-ATL-L-000460-19; and

WHEREAS, the parties have amicably resolved and settled the case and a Release and Settlement Agreement will be prepared.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Egg Harbor that it accepts the terms of the settlement and authorizes the Mayor and City Clerk to sign all documents on behalf of the City to conclude the case.

DATED:

ATTEST:

CITY OF EGG HARBOR

Meg Steeb, Municipal Clerk

Lisa Jiampetti, Mayor

**City of Egg Harbor
Resolution #-2021**

**Resolution of Support from Local Governing Body Authorizing the
Sustainable Communities Environmental Stewardship Grant Application Funded by
Atlantic City Electric**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the City of Egg Harbor strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the City of Egg Harbor is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they are administering a grant program called the Sustainable Communities Environmental Stewardship Grant Program funded by Atlantic City Electric;

THEREFORE, the Common Council of the City of Egg Harbor has determined that the City of Egg Harbor should apply for the aforementioned Environmental Stewardship Grant in the amount of \$2,000;

THEREFORE, BE IT RESOLVED, that Common Council of the City of Egg Harbor, State of New Jersey, authorize the submission of the aforementioned Sustainable Communities Environmental Stewardship Grant funded by Atlantic City Electric.

Meg Steeb, City Clerk

Dated: 7/15/21

**CITY OF EGG HARBOR
RESOLUTION #-2021**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR PAVING OF BREMEN AVE (FROM
ROUTE30 TO THE RAILROAD TRACKS)**

WHEREAS, the City of Egg Harbor has a need to purchase Bremen Ave Paving as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one month from July 15, 2021 thru August 15, 2021; and

WHEREAS, South State, Inc. has submitted a proposal indicating they will provide the services at a rate of \$22,082.50. South State, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that South State, Inc. has not made any reportable contributions to a political or candidate committee in the City of Egg Harbor in the previous one year, and that the contract will prohibit South State, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds requirements – N.J.A.C. 5:30-5.4>.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Egg Harbor authorizes the Mayor to enter into a contract with South State, Inc. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Dated: July 15, 2021

City Clerk
Meg Steeb

EGG HARBOR CITY
Resolution #-2021

**RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of The City of Egg Harbor, in the County of Atlantic, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$1,060.33, which is now available from the US Dept of Justice, Bulletproof Vest Program, in the amount of \$1,060.33.

BE IT FURTHER RESOLVED, that the like sum of \$1,060.33 is hereby appropriated under the caption Bulletproof Vest; and

BE IT FURTHER RESOLVED that the above is the result of funds from the US Dept of Justice, Bulletproof Vest Program, in the amount of \$1,060.33.

Dated: July 15, 2021

Meg Steeb, Municipal Clerk

I, _____, Municipal Clerk of the City of Egg Harbor in the County of Atlantic, in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the City Council of the City of Egg Harbor in the County of Atlantic in the State of New Jersey.

RESOLUTION NO.:

A RESOLUTION AUTHORIZING THE CITY OF EGG HARBOR TO EXTEND THE AGREEMENT WITH MARK EMMER AS PUBLIC SAFETY DIRECTOR FOR SIX MONTHS UNTIL DECEMBER 31, 2021

WHEREAS, the City of Egg Harbor is authorized to enter into contracts with such persons and agencies to carry out specialized activities and to specifically detail their duties and remuneration; and,

WHEREAS, the City entered into an agreement with Mark Emmer as Public Safety Director which expired on June 30, 2021; and,

WHEREAS, the City of Egg Harbor wishes to extend the agreement for six months until December 31, 2021; and,

NOW THEREFORE BE IT RESOLVED by the Mayor with the advice and consent of Council of the City of Egg Harbor that the agreement between the City of Egg Harbor and Mark Emmer shall be extended for six months until December 31, 2021; and,

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a certified copy of this Resolution to Mark Emmer, together with a copy executed by the Mayor.

ADOPTED: _____

ATTEST:

City of Egg Harbor:

Meg Steeb, Clerk of the
City of Egg Harbor

Lisa Jiampetti, Mayor

Certification

I certify the above resolution to be a true copy of the resolution adopted by the City of Egg Harbor at its regularly scheduled meeting held on

Meg Steeb, Clerk of the City of
Egg Harbor

EGG HARBOR CITY
RESOLUTION #-2021

APPROVING AGREEMENT WITH EGG HARBOR CITY BOE FOR SCHOOL RESOURCE OFFICERS

WHEREAS, Egg Harbor City and the Egg Harbor City Public School District each serve the residents and taxpayers of this community; and

WHEREAS, the Egg Harbor City Public School District and Egg Harbor City have discussed the need for and the feasibility of placing Class III Police Officers in selected schools on a part-time basis;

WHEREAS, both parties recognize the potential benefits of such a program to the citizens of the City and to the students, staff, and parents of students in the School District; and

WHEREAS, it is in the best interest of the City and the School District to establish this program,

NOW, THEREFORE, BE IT RESOLVED that the City shall supply one or more Class III Officers to the School District to be assigned to the schools as per the attached agreement; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the attached agreement for the 2021-2022 school year be approved and that the Mayor be authorized to sign the agreement.

Dated: July 15, 2021

Meg Steeb, City Clerk

CITY OF EGG HARBOR

RESOLUTION # _____

**A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY TO
BRYAN BELLACE**

WHEREAS, the City of Egg Harbor owns a parcel of real property on Block 7 Lot 18(known as lots 16,17,18,19,20,21 22,23,24 on the tax map) ; and

WHEREAS, the Council of the City of Egg Harbor has determined that the real property is not needed for public use and that it is in the best interests of the citizens of the City of Egg Harbor that the real property be sold; and

WHEREAS, N.J.S.A. 40A:12-13 b (5) authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, there is an offer to purchase the real property located on Block 7 Lot 18 for \$2500.00 by Bryan Bellace; and

WHEREAS Mr. Bellace is the only contiguous property owner to Block 7, Lot 18 and pursuant to N.J.S.A. 40A: 12-13 b (5), since the parcel has no capital improvement thereupon and is a non-conforming lot. the City may sell the real property to Mr. Bellace.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Egg Harbor that it authorizes the city attorney to prepare all documents necessary to close the sale to Bryan Bellace for \$2500.00

Dated: _____

This is to certify that this is a true Copy of a resolution adopted by the Council of the City of Egg Harbor, County of Atlantic and State of New Jersey at a regular meeting held on _____.

ATTEST: _____

City of Egg Harbor

Resolution # _____ 2021

RESOLUTION ACCEPTING A BID AND AUTHORIZING A SALE OF BLOCK 1003 LOTS 7 AND 8

WHEREAS, the Council of the City of Egg Harbor acquired title to Block 1003 and Lots 7 and 8 in 2020; and

WHEREAS, the Council have determined that it is in the best interests of the residents of the City of Egg Harbor to sell these properties; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13, a municipality has the authority to hold a public auction for the sale of real property; and

WHEREAS, a public auction was held on June 30, 2021; and a bid was made by Phoenix Health Ventures, LLC for Lot 7 of \$23,776.42 and Lot 8 for \$26,233.58; and

WHEREAS, the Council of the City of Egg Harbor has determined that the real property is not needed for public use and that it is in the best interests of the citizens of the City of Egg Harbor that the real property be sold; and

WHEREAS, N.J.S.A. 40A:12-13 b (5) authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

NOW THEREFORE, BE IT RESOLVED THAT the Council of the City of Egg Harbor accepts the bid of \$23,776.42 for Lot 7 and \$26,233.58 for Lot 8 and authorizes the sale of Block 1003 Lots 7 and 8. It further authorizes any commissions to be paid by any realtor or broker who procured the bidder.

BE IT FURTHER RESOLVED that the Council authorizes the City Clerk and the Mayor to execute any documents to effectuate the sale and the City Attorney to prepare all documents necessary to close the sale.

Dated:

Dated:

Meg Steeb, City Clerk

Lisa Jiampetti, Mayor of the City of Egg Harbor

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Common Council of Egg Harbor City, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON _____.

Clerk

Resolution #112-2021
Resolution to Renew Liquor Licenses
July 1, 2021 through June 30, 2022

BE IT RESOLVED by the Mayor and Common Council of the City of Egg Harbor City that the following Alcoholic Beverage License renewals be granted effective July 1, 2021

PLENARY RETAIL CONSUMPTION

0107-33-011-008

T A Liquor License LLC *Pocket License
227 Cincinnati Avenue
Egg Harbor City, NJ 08215

0107-33-017-007

The Wrangler
111 White Horse Pike
Egg Harbor City, NJ 08215

Dated: July 15, 2021

Meg Steeb/City Clerk, RMC

CITY OF EGG HARBOR CITY, NEW JERSEY

ORDINANCE #10-2021

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN THE CITY OF EGG HARBOR CITY, COUNTY OF ATLANTIC, NEW JERSEY; APPROPRIATING THE SUM OF \$100,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF EGG HARBOR CITY, COUNTY OF ATLANTIC, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$90,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Common Council of the City of Egg Harbor City, County of Atlantic, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as general improvements to be made or acquired by the City of Egg Harbor City, County of Atlantic, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purpose stated in Section 7 hereof is \$100,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$90,000; and
- (c) a down payment in the amount of \$10,000 for the purpose stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$90,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$10,000, which amount represents the required down payment.

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$90,000 to finance the costs of the purpose described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purpose described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$90,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$20,000.

Section 7. The improvements hereby authorized and the purpose for which said obligations are to be issued; the estimated costs of said purpose; the amount of down payment for said purpose; the maximum amount obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

| <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------|------------------------------|-----------------------------|
| A. Repaving and/or Reconstruction of Various City Roads and Parking Lots including, but not limited to, the City Hall Parking Lot, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the City Clerk | \$80,000 | \$8,000 | \$72,000 | 10 years |
| B. Various Improvements to the Egg Harbor City Lake Dam, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the City Clerk | 20,000 | 2,000 | 18,000 | 10 years |
| TOTAL | \$100,000 | \$10,000 | \$90,000 | |

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$90,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 13. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Common Council of the City of Egg Harbor City, in the County of Atlantic, State of New Jersey, on July 15, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the Common Council to be held at its meeting room in the Council Chambers of City Hall, 500 London Avenue, Egg Harbor City, New Jersey 08215, on August 12, 2021 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN THE CITY OF EGG HARBOR CITY, COUNTY OF ATLANTIC, NEW JERSEY; APPROPRIATING THE SUM OF \$100,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF EGG HARBOR CITY, COUNTY OF ATLANTIC, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$90,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

| | <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------|------------------------------|-----------------------------|
| A. | Repaving and/or Reconstruction of Various City Roads and Parking Lots including, but not limited to, the City Hall Parking Lot, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the City Clerk | \$80,000 | \$8,000 | \$72,000 | 10 years |
| B. | Various Improvements to the Egg Harbor City Lake Dam, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the City Clerk | 20,000 | 2,000 | 18,000 | 10 years |
| | TOTAL | \$100,000 | \$10,000 | \$90,000 | |

Appropriation: \$100,000
 Bonds/Notes Authorized: \$90,000
 Grants (if any) Appropriated: \$N/A
 Section 20 Costs: \$20,000
 Useful Life: 10.00 years

CITY OF EGG HARBOR

ORDINANCE NO.: 11 - 2021

AN ORDINANCE BY THE CITY OF EGG HARBOR IN ATLANTIC COUNTY, AMENDING CHAPTER 170 OF THE CODE OF THE CITY OF EGG HARBOR

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial, recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Council of the City of Egg Harbor has determined that, due to present uncertainties regarding the potential future impacts on New Jersey municipalities in general, and on the City of Egg Harbor in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the City of Egg Harbor’s residents and members of the public who visit, travel, or conduct business in the City of Egg Harbor, to amend the City of Egg Harbor’s zoning regulations.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Egg Harbor, in the County of Atlantic, State of New Jersey, as follows:

Section 1. Chapter 170, titled Zoning in the Code of the City of Egg Harbor is hereby amended as follows:

A. 170-17 Definitions:

- a. RETAIL COMMERCIAL (RC)-includes ONE (1) Class 5-Cannabis Retailer Licensee as a conditional use.

- b. HIGHWAY COMMERCIAL (HC)-includes ONE (1) Class 5 Cannabis Retailer Licensee as a conditional use.
- c. INDUSTRIAL USE OR PURPOSE (IND)-includes Classes 1,2,3,4 and 6 Cannabis Cultivation, Manufacturing and Wholesale, Distribution and Delivery Licensees as permitted uses.

B. ARTICLE VI titled Supplemental District Regulations and 170 Attachment 10:1 Schedule of District Regulations, Chapter 170 shall be amended as follows:

§170-81.5. NOTE 33 Cannabis Licensed Businesses

- a. Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis shall be a permitted use in the Industrial Use or Purpose Zone (IND).
- b. Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items shall be a permitted use in the Industrial Use or Purpose Zone (IND).
- c. Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees shall be a permitted use in the Industrial Use or Purpose Zone (IND).
- d. Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another shall be a permitted use in the Industrial Use or Purpose Zone (IND).
- e. Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers shall be a conditional use in the Retail Commercial (RC) zone and the Highway Commercial (HC) zone. Only one establishment is permitted in the RC zone and one establishment in the HC zone.
- f. Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a

retailer and then delivered to a consumer shall be a permitted use in the Industrial Use or Purpose Zone(IND).

Section 2. Any article, section, paragraph, subsection, clause, or other provision of the Code of the City of Egg Harbor inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. This ordinance shall take effect upon its passage and publication and filing with the County of Atlantic Planning Board, and as otherwise provided for by law.

Date:

ATTEST:

CITY OF EGG HARBOR

By: _____
Meg Steeb, City Clerk

By: _____
Lisa Jiampetti, Mayor

Adopted

CITY OF EGG HARBOR

ORDINANCE #12-2021

AN ORDINANCE OF THE CITY OF EGG HARBOR, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY APPROVING A JOINT MUNICIPAL COURT SHARED SERVICES AGREEMENT FOR THE OPERATION OF THE JOINT MUNICIPAL COURT WITH THE TOWN OF HAMMONTON

WHEREAS, N.J.S.A. 2B:12-1(b) authorizes the formation of a single Joint Municipal Court provided that an Agreement is entered into by the Town of Hammonton and Egg Harbor City and provided that the Agreement is filed with the State of New Jersey Administrative Director of the Courts and the Assignment Judge of the Superior Court of New Jersey, Atlantic County; and

WHEREAS, The City Council of Egg Harbor City entered into a prior agreement for a joint municipal court with the Town of Hammonton on January 2, 2020; and

WHEREAS, Egg Harbor City now desires to enter into a new agreement to form a Joint Municipal Court with the Town of Hammonton; and

NOW, THEREFORE, BE IT ORDAINED by Council of the City of Egg Harbor, County of Atlantic, State of New Jersey, as follows:

Section 1. Approval of Agreement. The City Council of the City of Egg Harbor hereby approves the terms and conditions of the Agreement for a Joint Municipal Court for the Municipalities of the Town of Hammonton and Egg Harbor City to establish the “Joint Municipal Court of the Town of Hammonton” such Agreement attached hereto and incorporated herein by reference as Exhibit A dated June 28, 2021. The Mayor and Clerk of Egg Harbor City are hereby expressly authorized to execute the aforesaid Agreement on behalf of the City.

Section 2. Jurisdiction. The jurisdiction of the Joint Municipal Court of the Town of Hammonton shall be coextensive with the municipal territory of the Participating Municipalities.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

Section 4.Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

Section 5. Effect. This Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

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

ORDINANCE #8-2021

AN ORDINANCE AMENDING CHAPTER 52, ENTITLED OFFICERS AND EMPLOYEES, ARTICLE VII ENTITLED POLICE DEPARTMENT APPOINTMENTS OF THE GENERAL CODE OF THE CITY OF EGG HARBOR TO PROVIDE THE CITY OF EGG HARBOR WITH THE AUTHORITY TO HIRE ENTRY LEVEL POLICE OFFICERS WHO ARE EXEMPT FROM TAKING THE CIVIL SERVICE EXAMINATION

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Mayor and Council of the City of Egg Harbor wish to amend Chapter 52, entitled Officers and Employees, Article VII entitled Police Department Appointments to provide the City of Egg Harbor police department with the authority to hire a person exempt from the requirement to take the civil service examination for an entry level law enforcement position; and

WHEREAS, the City has adopted a personnel policy and procedure manual, which contains both a Conflict of Interest and an anti-Nepotism Policy as a condition precedent to the passage of this Ordinance; and

WHEREAS, P.L. 2021, C.2007 (S3220 1R) authorizes the hiring of a person exempt from the requirement to take an examination for an entry level law enforcement.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Egg Harbor that Chapter 52 of the general ordinances of the City of Egg Harbor is hereby amended as follows:**SECTION 1:**

Chapter 52. OFFICERS AND EMPLOYEES

ARTICLE VII. POLICE DEPARTMENT APPOINTMENTS

§52-19 Exemption from Civil Service examination.

- a. The City of Egg Harbor Police Department may hire a candidate who is exempt from the requirement to take a civil service examination for an entry level law enforcement position, provided the candidate has successfully completed a full

- Basic Course for Police Officers Training at a school approved and authorized by the New Jersey Police Training Commission.
- b. Nothing in this Section shall be interpreted or construed to require the City of Egg Harbor Police Department to hire a candidate for an entry-level law enforcement who is exempt from the requirement to take a civil service examination.
 - c. The City of Egg Harbor may waive residency requirements found in Section 61-14 for entry level law enforcement positions.

SECTION 2. All Ordinances of the City of Egg Harbor which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon adoption and approval.

INTRODUCED: June 24, 2021

PUBLICATION: June 30, 2021

PUBLIC HEARING: July 15, 2021

ADOPTION:

ATTEST:

Meg Steeb, City Clerk

APPROVED BY THE MAYOR OF THE CITY OF EGG HARBOR
2021

Lisa Jampetti, Mayor