

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

ORDINANCE #1 - 2021

**ORDINANCE AMENDING THE GENERAL CODE OF THE CITY OF EGG  
HARBOR PART II GENERAL LEGISLATION, CHAPTER 259, VEHICLES  
AND TRAFFIC, ARTICLE II, TRAFFIC REGULATIONS**

**WHEREAS**, N.J.S.A. 39:5A-1 provides that a municipality may make, amend repeal and enforce ordinances to regulate vehicular and pedestrian traffic and the parking of vehicles in parking yards and parking places, which are open to the public or to which the public is invited in conjunction with any business enterprise;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Egg Harbor, County of Atlantic, State of New Jersey, that Chapter 259 of the General Code of City of Egg Harbor, more particularly Article II, Traffic Regulations , § 259-12-B, Stop Intersections be amended, to include, as follows:.

**SECTION I**

§ 259-12-B shall be amended to include the following:

(7) The intersection of Arago Street and the easterly side of New York Avenue shall be designated a four way stop sign intersection.

(8) The intersection of Buerger Street and Washington Avenue shall be designated a four way stop sign intersection.

**SECTION II**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION III**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION IV**

This ordinance shall take effect immediately upon final publication as provided by law.

ENACTED AND ADOPTED by the Council of the City of Egg Harbor on this 11 day of February, 2021.

**January 21, 2021**  
**Publication: January 27, 2021**  
**Public Hearing: February 11, 2021**  
**Adoption: February 11, 2021**  
**Publication: February 17, 2021**

**ATTEST:**

By: \_\_\_\_\_

City of Egg Harbor- Clerk  
MEG STEEB

By: \_\_\_\_\_

Mayor  
LISA JIAMPETTI

## **CITY OF EGG HARBOR**

### **Ordinance No. 2 2021**

#### **GRANTING CONSENT AND PERMISSION TO NEW JERSEY-AMERICAN WATER COMPANY TO FURNISH POTABLE WATER AND WASTEWATER CONVEYANCE IN THE CITY OF EGG HARBOR CITY, NEW JERSEY**

**WHEREAS**, the City of Egg Harbor City, County of Atlantic and State of New Jersey (the "City"), hereby grants consent and permission to New Jersey-American Water Company ("New Jersey-American"), a New Jersey Corporation to furnish potable water and wastewater conveyance within the City; and

**WHEREAS**, New Jersey-American is in the process of acquiring the water and wastewater systems (the "Systems") currently owned and operated by the City, subject to regulatory approvals; and

**WHEREAS**, The City is desirous of having New Jersey-American acquire the Systems; and

**WHEREAS**, New Jersey-American is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the City to permit New Jersey-American to provide potable water and wastewater conveyance service through the Systems; and

**WHEREAS**, New Jersey-American has requested the consent of the City as required by N.J.S.A. 48:19-17 and 48:19-20, as amended, to lay its pipes beneath and restore such public roads, streets and places as it may deem necessary for its corporate purposes, free from all charges to be made for said privilege (except that fees for road opening permits shall be paid), provided that all said pipes installed after the date of this ordinance shall be laid at least three feet (3') below the surface and shall not in any way unnecessarily obstruct or interfere with the public travel or cause or permit other than temporary damage to public or private property; and

**WHEREAS**, it is deemed to be in the best interests of the citizens of the City to provide this consent;

**WHEREAS**, the Mayor and Council of the City have concluded that granting of said consent shall enhance the health, safety and welfare of the citizens of the City.

#### **NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY AS FOLLOWS:**

Section 1. That exclusive and perpetual consent and permission to furnish water and wastewater conveyance to the City and all residents, businesses and government buildings therein is hereby given and granted to New Jersey-American, its successors and assigns, subject to approval of such consent and permission by the Board of Public Utilities of the State of New Jersey.

Section 2. That exclusive consent and permission is given to New Jersey-American , its successors and assigns, under the provisions of N.J.S.A. 48:19-17 and N.J.S.A. 48:19-20, as amended, without charge therefore, (except fees for road opening permits which shall be paid) as the same may be required in order to permit New Jersey American-Water to own and operate the Systems add to, extend, replace, operate and maintain said Systems in the public property described herein in order to provide said potable water and wastewater conveyance service. This shall include permission to lay pipes beneath the public roads, streets, public property and public places. The public property shall include roads, streets and public places. The privilege granted herein shall include the construction, installation and maintenance of hydrants on and along the roads of the City, as well as streets, parks and public places at locations within the City;

Section 3. That a certified copy of this Ordinance, upon final passage, shall be sent to the New Jersey-American, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

Section 4. That the consent granted herein shall be subject to the New Jersey-American complying with all applicable laws of the City and/or the State of New Jersey including, but not limited to, any and all applicable statutes and administrative agency rules and/or regulations.

Section 5. The Mayor and the Clerk of the City are authorized to execute the documents and agreements necessary to effectuate this municipal consent.

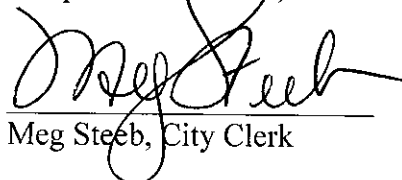
Section 5. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

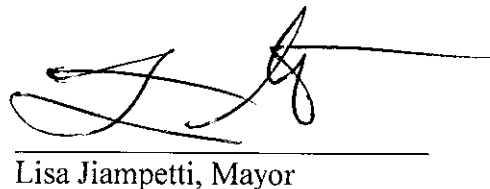
Section 6. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**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: February 11, 2021  
Publication: February 17, 2021  
Public Hearing: March 11, 2021  
Adoption: March 11, 2021

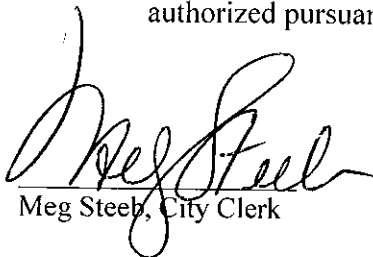
  
Meg Steeb, City Clerk

  
Lisa Jampetti, Mayor

**Ordinance #3-2021**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EGG HARBOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, that pursuant to NJSA 40A:4-53 the sum of \$50,000 is hereby appropriated for the preparation of the City's Master Plan and shall be deemed a special emergency appropriation as defined and provided for in NJSA 40A:4-55.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (NJSA 40A:4-55).



Meg Steeb, City Clerk



Lisa Jiampetti, Mayor

Introduced: February 11, 2021  
Published: February 17, 2021  
Public Hearing: February 25, 2021  
Adopted: February 25, 2021

**ORDINANCE #4-2021**  
**CALENDAR YEAR 2021**  
**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 1.0% 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 2021 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 \$128,826.47 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 2021 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 \$180,357.06 , and that the CY 2021 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.

Date of Introduction: March 25, 2021

Publication: March 31, 2021

Public Hearing: April 8, 2021

Date of Adoption: April 8, 2021

Certified by:

A handwritten signature in dark ink, appearing to read "Meg Steeb", written over a horizontal line.

Meg Steeb, City Clerk

## **CITY OF EGG HARBOR**

### **Ordinance No.5 2021**

#### **AN ORDINANCE OF THE CITY OF EGG HARBOR, NEW JERSEY, AMENDING CHAPTER 170 OF THE CITY CODE**

**WHEREAS**, pursuant to N.J.S.A. 40:55D-89 the City of Egg Harbor Land Use Board undertook the periodic review of the City of Egg Harbor Master Plan; and

**WHEREAS**, on March 16, 2021 the City of Egg Harbor Land Use Board held a public hearing and reviewed and approved a Memorandum entitled Review and Recommendation for Cooperative Sober Living Facility Land Use Regulations prepared by Board Engineers Remington & Vernick dated March 16, 2021, which is attached and made part of this ordinance as Exhibit A; and

**WHEREAS**, at that time, the Land Use Board made a recommendation to the City Council to amend the City Code in accordance with the findings in this memorandum; and

**WHEREAS**, the City Council wishes to adopt an amendment to the City Zoning Ordinances with respect to Cooperative Sober Living Facilities as well as rooming homes and boarding houses; and

**WHEREAS**, N.J.S.A. 40:55D-66.1 permits certain community residences in all residential districts of a municipality stating the requirements thereof shall be the same as for a single- family dwelling unit located within such districts; and

**WHEREAS**, the City of Egg Harbor recognizes that the Fair Housing Act as amended (42 U.S.C. § 3601) provides protections for persons with disabilities; and

**WHEREAS**, the Fair Housing Act does not preempt local zoning laws or preclude the adoption, amendment or enforcement of zoning regulations by the City of Egg Harbor pursuant to its local police powers as long as the zoning regulations are consistent with state and federal law, including the Fair Housing Act as amended; and

**WHEREAS**, the legislative history of the Fair Housing Amendments Act of 1988 cautions that local zoning regulations that result “from false or over protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose” are prohibited. H.R. Rep. No. 711, 100<sup>th</sup> Cong. 2D Session, reprinted in 1988 U.S.C.C.A.N. 2173, 2192 (1988); and



**WHEREAS**, zoning regulation of community residences for people with disabilities should seek to achieve legitimate government interests, actually achieve those legitimate government interests, and be the least drastic means of actually achieving those legitimate government interests; and

**WHEREAS**, The Fair Housing Act does not provide for local land use policies or actions that treat groups of persons with certain disabilities differently than groups of people with other disabilities; and

**WHEREAS**, clustering of community residences on a block or in a neighborhood undermines the ability of community residences to achieve normalization and community integration for their residents which is one of the essential purposes of a community residence for people with disabilities; and

**WHEREAS**, the City of Egg Harbor is hereby amending its Zoning Ordinances to make the reasonable accommodations the Fair Housing Act requires by removing any terms and conditions that have the effect of limiting or making housing unavailable to people with disabilities and adding definitions while preserving the ability of community residences for people with disabilities to emulate a family and achieve normalization and community integration of their residents; and

**WHEREAS**, the City of Egg Harbor is hereby amending its Zoning Ordinances to give prospective operators of community residences for people with disabilities clarity and certainty on where such homes may locate as of right and via conditional use permits; and

**WHEREAS**, community residences for people with disabilities that meet the definition of a single housekeeping unit constitute a family under the City of Egg Harbor's Zoning Ordinances and must be treated the same as any other family; and

**WHEREAS**, these new zoning provisions make the reasonable accommodation the Fair Housing Act requires by allowing rooming or boarding houses of up to ten people with disabilities as a conditional use in all residential districts and all other zoning districts where residential uses are allowed, subject to rationally based spacing distances; and

**WHEREAS**, because transitional recovery homes for people with disabilities are more akin in terms of function and performance to a rooming or boarding house than single-family residences, the heightened scrutiny of a conditional use permit is warranted for such transitional community residences in single-family zoning districts; and

**WHEREAS**, this ordinance specifies standards narrowly tailored to assure that the proposed recovery homes will not interfere with normalization or community integration of the occupants of any nearby existing recovery homes nor contribute to creating a de facto social service district that thwarts the purpose and successful functioning of recovery homes and results in segregation of people with disabilities; and

**WHEREAS**, the heightened scrutiny of a “use” variance is warranted when a proposed recovery home for people with disabilities fails to meet the definition of a single housekeeping unit or the criteria to be allowed as a conditional use; and

**WHEREAS**, a recovery home that does not meet the definition of a single housekeeping unit that has been denied a “F” license would not be permitted due to the state’s own requirements for licensing as a cooperative sober living residence ; and

**WHEREAS**, like all residential uses, the overcrowding provisions in the City’s adopted housing code determines the maximum number of occupants of a recovery home for people with disabilities no matter how many the zoning code would allow, with or without a reasonable accommodation request to house more than ten people; and

**WHEREAS**, the Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others, provided however, that determining whether someone poses such a direct threat must be made on an individualized basis, and cannot be based on general assumptions or speculation about the nature of a disability.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EGG HARBOR, NEW JERSEY, AS FOLLOWS:**

**Section 1.** Article III, Terminology, Chapter 170-17 Definitions is amended as follows:

1. **BOARDING HOUSE:** Boarding house has the meaning set forth in N.J.S.A. 55: 13B-3.
2. **COOPERATIVE SOBER LIVING RESIDENCE, (CSLR):** A recovery home that is a rooming or boarding house that has been issued a “F” License by the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:27-1.1 et seq. It does not operate as a single housekeeping unit. The 2017 New Jersey Uniform Construction Code defines a CSLR as “ a residential setting that serves solely as a home for individuals who are recovering from drug or alcohol addiction and is intended to provide an environment where the residents can support each other’s sobriety and recovery.” In addition to the other requirements specified in the regulations, a cooperative sober living residence must satisfy the following criteria;
  - a. Management by an entity or organization that provides an operator who shall reside in the residence and exercise some level of control over the operation of the residence and establishes the residence’s rules;

- b. Occupancy shall not exceed 10 individuals, exclusive of the operator;
- c. The requirement of the maintenance of an alcohol and drug free environment;
- d. No provision of on-site counseling therapy, clinical treatment, or alcohol and/or drug treatment by the licensee;
- e. No provision of food, laundry, financial, or other personal services by the licensee;
- f. Ability of licensee, at its discretion, to provide non clinical recovery and support services. The licensee may also elect to mandate or encourage residents to attend self-help recovery programs, participate in activities related to maintaining sobriety and continuing recovery, or receive off-site services deemed desirable or necessary to maintain sobriety; and
- g. Ability of licensee, at its discretion, to require drug or alcohol testing of residents.

3. NON-OXFORD HOUSE MODEL RECOVERY HOME: A recovery home that does not operate using the Oxford House model and does not operate as a single housekeeping unit. Examples of activities that indicate the house is a Non-Oxford House Model, may include but are not limited to: residents enter into individual leases with the owner or operator of the home for the occupancy of their room and the common area; there is a limited number of staff on site who will enforce rules, oversee the taking of medication, and perform random drug screening; residents are required to attend AA/NA meetings; residents are required to attend mandatory house meetings; residents are prohibited from sleeping outside the house; staff enforces a curfew; or guests are prohibited. They are rooming homes or boarding houses.

4. OXFORD HOUSE MODEL RECOVERY HOME: Oxford House has been authorized by Congress to provide community living arrangements for persons with drug and alcohol addiction. It is a recovery home in which the residents are self-governing, all residents contribute to the maintenance and expenses of the house, the residents determine who can reside in the house, there is no limit to how long an individual can reside in the house, there is no addiction treatment, therapy, or paid staff provided; the house operates as a single housekeeping unit, and the house is not required to be licensed by the New Jersey Department of Community Affairs.

5. RECOVERY HOME: A residential environment that provides people in recovery a safe alcohol and drug free place to live as they transition back

into the community.

6. ROOMING HOUSE: A rooming house has the meaning set forth in N.J.S.A. 55: 13B-3.

**Section 2.** Article VI-Supplemental District Regulations is amended as follows:

Chapter 170-75 is created titled, Boarding House, Cooperative Sober Living Residence, Non-Oxford House Model Recovery Home, Oxford House Model Recovery Home, Recovery Home and Rooming House.

1. A rooming house or boarding house operating as a Non -Oxford house model recovery home is a conditional use permitted in all residential zones as stated in Chapter 170-10, as a reasonable accommodation for persons with disabilities, only if it meets the following specified conditions and is a Cooperative Sober Living Residence (CSLR).
  - (i) The owner obtains a Class F license to operate a cooperative sober living residence from the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:27-1.1 et seq; and
  - (ii) Requires a minimum separation distance from any other existing or proposed CSLR facility in accordance with the following:
    - a. 600 feet along the frontage of any avenue or terrace;
    - b. 300 feet along the frontage of any street;
    - c. 300 feet from any intersection which is 300 feet of another facility; and
  - (iii) Requires a minimum separation of 1000 feet from any school, in accordance with the most recent Drug Free School Zone Map.
2. All other rooming houses and boarding houses which are not operating as Non-Oxford Model Recovery Homes are prohibited in all residential zones found in Chapter 170-10.
3. A residential single-family detached dwelling unit includes an Oxford House Model Recovery Home is a permitted use in all residential zones found in Chapter 170-10.

**Section 3. Inconsistent Ordinance Repealed.** Should any provision of this Ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of any inconsistencies.

**Section 4. Invalidity.** In the event that any provision of this ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

**Section 5. Captions.** Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**Section 6. Effective date.** This Ordinance shall take effect upon passage and publication

Date of Introduction: April 8, 2021

Publication: April 14, 2021

Public Hearing: April 22, 2021

Date of Adoption: April 22, 2021

ATTEST

CITY OF EGG HARBOR.

  
Meg Steeb, City Clerk

  
Lisa Jampetti, Mayor

ORDINANCE #6-2021

CAPITAL ORDINANCE OF EGG HARBOR CITY, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AUTHORIZING CONSTRUCTION OF A POLE BARN, AND TO APPROPRIATE THE SUM OF \$30,000 TO PAY THE COST THEREOF, FULLY FUNDED BY GENERAL CAPITAL IMPROVEMENT FUND.

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BE IT ORDAINED by the Common Council of Egg Harbor City, in

the County of Atlantic, New Jersey, as follows:

Section 1. Egg Harbor City, in the County of Atlantic, New Jersey (the "City") is hereby authorized to undertake Construction of a Pole Barn at the Public Works yard.

Section 2. The sum of \$30,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be fully funded by General Capital Improvement Fund. The sum of \$30,000 is hereby appropriated from General Capital Improvement Fund to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the City having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the

amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 5. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect after final adoption and publication as required by law.



Meg Steeb, City Clerk, RMC



Lisa Jiampetti, Mayor

Introduced: May 13, 2021

Publication: May 19, 2021

Public Hearing: May 27, 2021

Adoption: May 27, 2021

**ORDINANCE #7-2021**

**AN ORDINANCE OF THE CITY OF EGG HARBOR COUNTY OF ATLANTIC AND  
STATE OF NEW JERSEY GRANTING AN ACCESS EASEMENT TO KRISTIN  
DECLEMENTI OVER BLOCK 7.07 LOT 9 ON THE TAX MAP OF THE  
CITY OF EGG HARBOR**

**WHEREAS**, the City of Egg Harbor has determined that Kristin DeClementi requires access from the lot she owns described as Block 7.07 lot 10 on the Tax Map of the City of Egg Harbor over Block 7.07 Lot 9; and

**WHEREAS**, the City is granting an access easement over Lot 9 Block 7.07 for the benefit of lot 10 to be prepared by Remington & Vernick city engineers, which will be incorporated by reference and made a part of this Ordinance as Exhibit A and shall be in the form approved by the City Attorney; and

**WHEREAS**, the grant of easement requires approval by Ordinance pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 40A:12-13; and

**WHEREAS**, the Council of the City of Egg Harbor has determined that it is in the public interest to grant this easement for the purpose of permitting access over Lot 9, Block 7.07 on the Tax Map of the City of Egg Harbor, County of Atlantic and State of New Jersey.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Common Council of the City of Egg Harbor as follows:

**Section 1.** The Common Council of the City of Egg Harbor hereby grants and the Mayor and City Clerk are hereby authorized to execute, any documents to effectuate the grant of easement to Kristin DeClementi over Lot 9 Block 7.7 as shown on the Tax Map of the City of Egg Harbor and Council hereby authorizes the City Attorney to prepare a Deed of Easement and record same with the County Clerk and the City Engineer to prepare a legal description for such easement.

**Section 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 3.** If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.



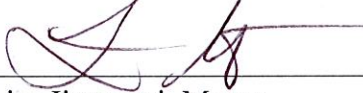
**Section 4.** Kristin DeClementi shall be required to pay for all legal services and all engineering and/or surveying services rendered to effectuate the grant of easement.

**Section 5.** This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: June 10, 2021  
Publication: June 16, 2021  
Public Hearing June 24, 2021  
Adoption: June 24, 2021

Dated: June 24, 2021

Attest

  
Meg Steeb, City Clerk, RMC  
Lisa Jampetti, Mayor

**CITY OF EGG HARBOR CITY, NEW JERSEY**

**ORDINANCE #9-2021**

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**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**

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**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
<b>TOTAL</b>	<b>\$100,000</b>	<b>\$10,000</b>	<b>\$90,000</b>	

**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.

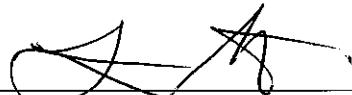
**Section 15.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**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.

Introduction: July 15, 2021  
Publication: July 21, 2021  
Public Hearing: August 12, 2021  
Adoption: August 12, 2021

Dated: August 12, 2021

  
\_\_\_\_\_  
Meg Steeb  
Egg Harbor City Municipal Clerk, RMC

  
\_\_\_\_\_  
Lisa Jampetti  
Egg Harbor City Mayor

## **CITY OF EGG HARBOR**

### **ORDINANCE NO.: 10 - 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.

**Introduced: July 15, 2021**

**Publication: July 21, 2021**

**Public Hearing: August 12, 2021**

**Adoption: August 12, 2021**

**Date:**

**ATTEST:**

By: 

Meg Steeb, City Clerk

**CITY OF EGG HARBOR**

By: 

Lisa Jiampetti, Mayor

## **CITY OF EGG HARBOR**

### **ORDINANCE #11-2021**

#### **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.

Introduced: July 15, 2021  
Publication: July 21, 2021  
Public Hearing: July 21, 2021  
Public Hearing: August 12, 2021  
Adoption: August 12, 2021

Date: August 12, 2021

ATTEST:

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

CITY OF EGG HARBOR

  
\_\_\_\_\_  
Lisa Jampetti, Mayor

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

ORDINANCE #12-2021

**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 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 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 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: August 12, 2021

Publication: August 18, 2021

Public Hearing: August 26, 2021

Adoption: August 26, 2021

Dated: August 26, 2021

ATTEST:



Meg Steeb, City Clerk



Lisa Jampetti, Mayor