

REGULAR MEETING MINUTES

MARCH 1, 2024

Borough of West Wildwood

"Small town Charm on the Back Bay"

AGENDA

**NOTICE OF TENTATIVE AGENDA - REGULAR MEETING – MARCH 1, 2024
7:00PM – ACTION MEETING**

This is a proposed agenda which is subject to change by Commissioners without further notice.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT

THIS REGULAR MEETING WAS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING HAS BEEN ESTABLISHED IN AN ANNUAL MEETING NOTICE RESOLUTION NO. 2023-133 ADOPTED ON DECEMBER 27, 2023. NOTICE OF THIS MEETING WAS SENT TO THE ATLANTIC CITY PRESS AND THE CAPE MAY COUNTY HERALD ELECTRONICALLY AND POSTED CONTINUOUSLY ON THE OFFICIAL CLERKS BULLETIN BOARD AND BOROUGH WEBSITE.

ROLL CALL:

ADDITIONS/DELETIONS OF AGENDA ITEMS:

OLD BUSINESS

APPROVAL OF MINUTES:

Regular Meeting – February 2, 2024

Workshop Meeting – February 21, 2024

Closed (Executive) Session – February 21, 2024, per Resolution 2024-030 minutes shall remain confidential until matters have concluded.

ORDINANCES:

ORDINANCE 620(2024) – Second Reading – Public Hearing – ORDINANCE SETTING THE SEWER CONNECTION FEES AND SEWER CHARGES FOR THE BOROUGH OF WEST WILDWOOD, COUNTY OF CAPE MAY, NEW JERSEY

ORDINANCE 621(2024) – First Reading – Introduction – CALENDAR YEAR 2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

ORDINANCE 622 (2024) – First Reading – Introduction - ORDINANCE OF THE BOROUGH OF WEST WILDWOOD TO APPROVE THE APPLICATION FOR THE STREET ENCROACHMENT/OBSTRUCTION IN ACCORDANCE WITH WEST WILDWOOD ORDINANCE NUMBER 612 (2023)

Borough of West Wildwood

"Small town Charm on the Back Bay"

ORDINANCE 623(2024) – First Reading – Introduction – AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF WEST WILDWOOD, COUNTY OF CAPE MAY, NEW JERSEY

ORDINANCE 624 (2024) – First Reading – Introduction – ORDINANCE AMENDING SECTION 75-4 OF THE BOROUGH CODE OF THE BOROUGH OF WEST WILDWOOD FOR THE EMPLOYMENT OF OFF-DUTY BOROUGH POLICE OFFICERS OF THE BOROUGH OF WEST WILDWOOD

RESOLUTIONS:

2024-031 – AUTHORIZING THE READING OF THE MUNICIPAL BUDGET BY TITLE ONLY

2024-032 - GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

2024-033 – AUTHORIZING A NON-FAIR AND OPEN CONTRACT FOR THE PROFESSIONAL SERVICES OF A SPECIAL PROJECT ENGINEER

2024-034 – A RESOLUTION ACKNOWLEDGING THE CURRENT ROSTER OF ACTIVE FIREFIGHTERS AND LADIES' AUXILIARY MEMBERS OF THE WEST WILDWOOD VOLUNTEER FIRE COMPANY

2024-035 – APPROVING BUDGET TRANSFERS FOR THE CY2023

2024-036 – ADOPTION OF A SECOND TEMPORARY BUDGET FOR CY2024

APPROVAL TO PAY BILLS

REPORTS FROM COMMISSIONERS

OPEN TO THE FLOOR FOR PUBLIC COMMENT

ADJOURNMENT

**Donna L. Frederick, RMC
Municipal Clerk**

ADDITIONAL AGENDA ITEM(S)
NOTICE OF TENTATIVE AGENDA - REGULAR MEETING – MARCH 1, 2024
7:00PM – ACTION MEETING

This is a proposed agenda which is subject to change by Commissioners without further notice.

RESOLUTIONS:

2024-037 – A RESOLUTION AMENDING RESOLUTION 2023-054 – APPROVING THE RENEWAL OF A LIQUOR LICENSE FOR DEEP SEA LIQUOR STORE, LLC FOR THE LICENSE PERIOD THROUGH JUNE 30, 2024

BOROUGH OF WEST WILDWOOD
BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 1, 2024
7:00pm – ACTION MEETING

MINUTES:

Mayor Ksiazek called the meeting to order, led the Pledge of Allegiance, and read the OPMA statement.

ROLL CALL: Present

Comm. Banning
Comm. Segrest
Mayor Ksiazek
Solicitor Lyons
Engineer Anthony Chadwell
Deputy Clerk Carl O'Hala
Municipal Clerk Donna L. Frederick

ADDITIONS/DELETIONS OF AGENDA ITEMS:

Clerk announced an additional resolution #2024-037.

Clerk announced the following information received.

Borough received notification dated Feb. 21, 2024, from the NJDEP Watershed & Land Management of the issuance of a permit for the reconstruction and expansion of a duplex with accessory structures including a retaining wall, driveway and pool at 649 W. Poplar Ave.

The borough CFO has provided a certificate of determination and award for
Bond Anticipation Note in the amount of \$320,000.
Bond Anticipation Note in the amount of \$3,188,207.

The borough Tax Collector had provided a memo of Statement of Uncollectible Taxes in accordance with N.J.S.A. 54:4-91.1 "Collector's list of delinquent taxes believed not collectable" the memo states the borough has no taxes that are deemed uncollectible.

APPROVAL OF MINUTES:

Clerk called for a motion to adopt minutes as presented.
Regular Meeting – February 2, 2024
Closed (Executive) Session – February 21, 2024, per Resolution 2024-030 minutes shall remain confidential until matters have concluded.
Motion by Comm. Banning; Second by Mayor Ksiazek.
Roll Call Vote: Comm. Banning, yes; Comm. Segrest, abstained; Mayor Ksiazek, yes.
Motion Carried

ORDINANCES:

Clerk announced that Ordinance 620(2024) was on the agenda for this meeting but due to advertising date publication the second reading and public hearing will take place at the April 5th regular meeting.

Clerk announced public hearing on the following Ordinances will be held at the regular meeting on April 5th, 7pm prevailing time.

ORDINANCE 621(2024) – First Reading – Introduction – CALENDAR YEAR 2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Clerk asked for a motion to adopt ordinance 621(2024).

Motion by Comm. Banning; Second by Comm. Segrest.

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Ordinance Adopted.

ORDINANCE 622 (2024) – First Reading – Introduction - ORDINANCE OF THE BOROUGH OF WEST WILDWOOD TO APPROVE THE APPLICATION FOR THE STREET ENCROACHMENT/OBSTRUCTION IN ACCORDANCE WITH WEST WILDWOOD ORDINANCE NUMBER 612 (2023)

Clerk asked for a motion to adopt ordinance 622(2024).

Motion by Comm. Banning; Second by Comm. Segrest.

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Ordinance Adopted.

ORDINANCE 623(2024) – First Reading – Introduction – AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF WEST WILDWOOD, COUNTY OF CAPE MAY, NEW JERSEY

Clerk asked for a motion to adopt ordinance 623(2024).

Motion by Comm. Banning; Second by Comm. Segrest.

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Ordinance Adopted.

ORDINANCE 624 (2024) – First Reading – Introduction – ORDINANCE AMENDING SECTION 75-4 OF THE BOROUGH CODE OF THE BOROUGH OF WEST WILDWOOD FOR THE EMPLOYMENT OF OFF-DUTY BOROUGH POLICE OFFICERS OF THE BOROUGH OF WEST WILDWOOD

Clerk asked for a motion to adopt ordinance 624(2024).

Motion by Comm. Banning; Second by Comm. Segrest.

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Ordinance Adopted.

RESOLUTIONS: CLERK READ BY NUMBER & TITLE

2024-031 – AUTHORIZING THE READING OF THE MUNICIPAL BUDGET BY TITLE ONLY

Clerk asked for a motion to adopt resolution.

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Resolution Adopted.

2024-032 - GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

Clerk asked for a motion to adopt resolution.

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Resolution Adopted.

2024-033 – AUTHORIZING A NON-FAIR AND OPEN CONTRACT FOR THE PROFESSIONAL SERVICES OF A SPECIAL PROJECT ENGINEER

Clerk asked for a motion to adopt resolution.

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Resolution Adopted.

2024-034 – A RESOLUTION ACKNOWLEDGING THE CURRENT ROSTER OF ACTIVE FIREFIGHTERS AND LADIES' AUXILIARY MEMBERS OF THE WEST WILDWOOD VOLUNTEER FIRE COMPANY

Clerk asked for a motion to adopt resolution.

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Resolution Adopted.

2024-035 – APPROVING BUDGET TRANSFERS FOR THE CY2023

Clerk asked for a motion to adopt resolution.

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Resolution Adopted.

2024-036 – ADOPTION OF A SECOND TEMPORARY BUDGET FOR CY2024

Clerk asked for a motion to adopt resolution.

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Resolution Adopted.

ADDITION TO THE AGENDA

Clerk announced the following resolution as an addition to the agenda and read by number & title:

2024-037 – A RESOLUTION AMENDING RESOLUTION 2023-054 – APPROVING THE RENEWAL OF A LIQUOR LICENSE FOR DEEP SEA LIQUOR STORE, LLC FOR THE LICENSE PERIOD THROUGH JUNE 30, 2024

Clerk asked for a motion to adopt resolution.

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Resolution Adopted.

APPROVAL TO PAY BILLS

Clerk asked for a motion for the **APPROVAL TO PAY BILLS WHEN PROPERLY SIGNED AND ENDORSED: (list attached)**

Motion by Comm. Banning; Second by Comm. Segrest

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Motion Carried.

Reports from Commissioners:

Mayor gave the DPW report for the month of February 2024, (copy attached). Mayor gave updates on projects; new sign installation; Venice Avenue Park sprinklers, sod installation; parking project at the playground anticipate start date of March 18th; additional playground equipment ordered; manhole replacement at south end of Neptune Avenue has been completed; and roof overlay. Mayor reported on scheduling DPW supervisor interviews.

Engineer Chadwell reported on final reimbursement process for the Poplar & G Avenue project. The Maple Avenue project contractor is going to bring on a second crew.

Comm. Segrest gave the finance report (copy attached) and reported no local tax increase, the school tax may increase, but it is not known at this time. Comm. Segrest is hopeful that the replaced manhole at the south end of Neptune Avenue was the cause for the excessive flow this past summer. Comm. Segrest reported there is no Fair Share Housing updates at this time. Borough was notified by the county that the borough will need to start the revaluation process beginning in 2026 to be completed by 2027.

Mayor announced the submission of a playground for future project to redo the basketball court and make it a multi-use for portable pickleball court.

Comm. Banning gave the Police Activity report for February 2024 (copy attached).

Mayor opened the meeting for public comment.

ELAINE SYMKOWIAK stated she received a property assessment card for 555 W. Glenwood Avenue and it has no tax amount, and questioned whether or not they are paying their taxes. Clerk will check in on this matter after the meeting.

Hearing no other public comment, Mayor closed the meeting to the floor.

Clerk asked for a motion to adjourn.

Motion to Adjourn:

Motion by Mayor Ksiazek; Second by Mayor Ksiazek.

Roll Call Vote: Comm. Banning, yes; Comm. Segrest, yes; Mayor Ksiazek, yes.

Motion Carried

Respectfully submitted,



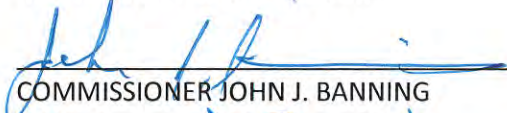
Donna L. Frederick, RMC

Municipal Clerk

This is a generalization of the Regular meeting on MARCH 1, 2024, and not a verbatim transcript.
THESE MINUTES WERE APPROVED AT THE APRIL 5, 2024, REGULAR COMMISSION MEETING



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING



COMMISSIONER JOSEPH D. SEGREST

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY
NEW JERSEY**

ORDINANCE NO. 621 (2024)

**CALENDAR YEAR 2024
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.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

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

WHEREAS, the Governing Body of the Borough of West Wildwood, County of Cape May, New Jersey finds it advisable and necessary to increase its CY 2024 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 Governing Body of the Borough of West Wildwood, hereby determines that a 1.0% increase in the budget for said year, amounting to \$ 26,161.72 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body of the Borough of West Wildwood, 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 Governing Body of the Borough of West Wildwood, in the County of Cape May, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of West Wildwood shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$ 91,566.02 and that the CY 2024 municipal budget for the Borough of West Wildwood be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, 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,

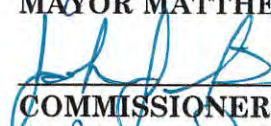
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

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.


COMMISSIONERS:



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING

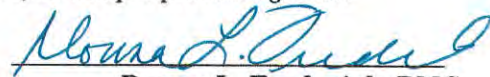


COMMISSIONER JOSEPH D. SEGREST

First Reading/Introduction: 2024 03-01
Publication: 2024 03-06

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		X	X			

I, **Donna L. Frederick, RMC, Municipal Clerk** of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the March 1, 2024, Regular Meeting and will be considered for final passage after a public hearing to be held on April 5, 2024, at 7:00pm prevailing time.



Donna L. Frederick, RMC
Municipal Clerk

COMMISSIONERS:

MAYOR MATTHEW J. KSIAZEK

COMMISSIONER JOHN J. BANNING

COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2024 04-05
Publication: 2024 04-10

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek						
Commissioner John J. Banning						
Commissioner Joseph D. Segrest						

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance finally adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey after a public hearing held on April 5, 2024, at 7:00pm prevailing time.

Donna L. Frederick, RMC
Municipal Clerk

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY, NEW JERSEY**

ORDINANCE 622 (2024)

**ORDINANCE OF THE BOROUGH OF WEST WILDWOOD TO APPROVE THE
APPLICATION FOR THE STREET ENCROACHMENT/OBSTRUCTION IN
ACCORDANCE WITH WEST WILDWOOD ORDINANCE NUMBER 612 (2023)**

WHEREAS, the Mayor and Borough Commissioners of the Borough of West Wildwood wish to adopt an Ordinance to approve the application for the street encroachment/obstruction in accordance with West Wildwood Ordinance Number 612(2023) -Attached as Exhibit A ;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of West Wildwood, in the County of Cape May, New Jersey hereby adopt the application for the street encroachment/obstruction in accordance with West Wildwood Ordinance Number 612 (2023) attached as Exhibit A.

Section: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be declared invalid of judgment by any court of competent jurisdiction, such section, subsection, part sentence, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section: If any section subsection, part, sentence, clause or phrase of this Ordinance shall be declared invalid of judgment by any court of competent jurisdiction, such section, subsection, part sentence, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This ordinance shall become effective immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

COMMISSIONERS:



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING



COMMISSIONER JOSEPH D. SEGREST

First Reading/Introduction: 2024 03-01
Publication: 2024 03-06

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		X	X			

I, **Donna L. Frederick, RMC, Municipal Clerk** of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the March 1, 2024, Regular Meeting and will be considered for final passage after a public hearing to be held on April 5, 2024, at 7:00pm prevailing time.

Donna L. Frederick, RMC
Municipal Clerk

COMMISSIONERS:

MAYOR MATTHEW J. KSIAZEK

COMMISSIONER JOHN J. BANNING

COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2024 04-05
Publication: 2024 04-10

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek						
Commissioner John J. Banning						
Commissioner Joseph D. Segrest						

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance finally adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey after a public hearing held on April 5, 2024, at 7:00pm prevailing time.

Donna L. Frederick, RMC
Municipal Clerk

EXHIBIT A

{00550179}



Borough of West Wildwood

"Small Town Charm on the Back Bay"

IN ACCORDANCE WITH THE BOROUGH OF WEST WILDWOOD ORDINANCE NUMBER 612(2023)
THE UNDERSIGNED HEREBY MAKES APPLICATION FOR STREET ENCROACHMENT/OBSTRUCTION

Date: _____ Telephone Number: _____

Applicant (print) _____

Work Location Address: _____

Property Owner (if different from applicant): _____

Applicant's Signature _____

EMERGENCY CONTACT INFORMATION

Name: _____

Address: _____

Emergency Contact Number: _____

STREET OPENING/ENCROACHMENT PERMIT(S) MUST BE MAINTAINED AT THE JOB SITE

Upon the start and completion of work, you must notify the West Wildwood Clerks' Office (609) 522-4845; West Wildwood Public Works Department (609) 522-4845 x401 and the West Wildwood Police Department (609) 522-2396.

NOTE: THIS PERMIT WILL BE VALID FOR THIRTY (30) DAYS FROM THE DATE OF ISSUANCE

It is the responsibility of the contractor to provide all precautions, equipment and material.

REQUIRED DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION

Proof of Insurance (Insurance certificate, showing adequate limit of coverage and naming the Borough of West Wildwood as an additional insured.

1. State the purpose and location of the proposed obstruction, encroachment, encumbrance, tunneling, cutting, breaking, excavation or opening. Set forth the name of the roadway and the portion thereof to be utilized and affected. _____

2. Provide a description of the nature, kind and character of each proposed obstruction, encroachment, encumbrance, tunneling, cutting, breaking, excavation or open. _____



Borough of West Wildwood

"Small Town Charm on the Back Bay"

3. State the estimated period of time during which the activity shall be maintained. Include the date when the proposed activity will commence and terminate. _____

4. State the nature of the surface of the roadway to be effective. _____

5. Provide proof of insurance policy information including proof that applicant is insured against injury to person and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors done in the course of the work to be performed under the permit. _____

6. Provide any additional information necessary for the Borough to review this request. _____

APPLICATION FEE \$75.00 – Due at application submission

ENGINEERING REVIEW FEE \$500 – Per application due once application is approved.

GUARANTEE AMOUNT

A. _____ Excavations less than 36 ft. = \$1,500

B. _____ Excavations greater than 36 ft. calculated by Borough Engineer(@ \$175 per hour)



Borough of West Wildwood

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AFTER EVENT INSPECTION

A. _____ Inspection required by Borough Engineer \$175

B. _____ Inspection by Public Works \$75

ORDINANCE NUMBER 612(2023) IS ATTACHED IN FULL – PLEASE REVIEW PRIOR TO SUBMISSION OF APPLICATION FOR COMPLETE

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY, NEW JERSEY**

ORDINANCE 623 (2024)

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE
ORDINANCES OF THE BOROUGH OF WEST WILDWOOD, COUNTY OF CAPE
MAY, NEW JERSEY**

WHEREAS, the Mayor and Borough Commissioners of the Borough of West Wildwood wish to adopt an Ordinance adopting a revision and codification of the Ordinances of the Borough of West Wildwood, County of Cape May, State of New Jersey.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey as follows:

§ 1-Error! Bookmark not defined.. Code adopted; existing ordinances continued.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of West Wildwood of a general and permanent nature adopted by the Board of Commissioners of the Borough of West Wildwood as revised and codified and consisting of Chapters 1 through 546 are hereby approved, adopted, ordained and enacted as the Code of the Borough of West Wildwood and are hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments.

§ 1-1. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified by the Clerk of the Borough of West Wildwood by impressing thereon the Seal of the Borough of West Wildwood as provided by law, and such certified copy shall remain on file in the office of Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Commissioners of the Borough of West Wildwood to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code of the Borough of West Wildwood shall be understood and intended to include such additions and amendments.

§ 1-2. Notice; publication.

The Clerk of the Borough of West Wildwood shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with filing of the Code in the office of the Clerk as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-3. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-4. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Board of Commissioners of the Borough of West Wildwood which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following ordinances have been excluded from the Code and are specifically repealed:
 - (1) Ordinance No. 13, Sewer System: Sewer Connections; Superintendent of Sewer System, adopted May 29, 1922.
 - (2) Ordinance No. 19, Streets and Sidewalks: Sidewalk Construction, adopted November 24, 1923.
 - (3) Ordinance No. 28, Sewer System: Mandatory Connection to Sewer Lines; Cesspools, adopted April 25, 1925.
 - (4) Ordinance No. 46, Boats and Boating: Motor Boats, adopted October 26, 1929.
 - (5) Ordinance No. 49, Officers and Employees: Assistant Collector and Treasurer, adopted September 24, 1930.
 - (6) Ordinance No. 60, National Defense: Blackouts and Defense Measures, adopted May 16, 1942.
 - (7) Ordinance No. 76, Municipal Court, adopted May 28, 1949.
 - (8) Ordinance No. 80, Autocabs.
 - (9) Ordinance No. 81, Fire Prevention: Fire Inspections.

- (10) Ordinance No. 93, Food Service Establishments: Health Certificate Required, adopted January 1, 1954.
- (11) Ordinance No. 170, Sanitary Landfill, adopted January 1, 1970.
- (12) Ordinance No. 193, Board of Health, adopted April 18, 1975.
- (13) Ordinance No. 216, Public Health Nuisances, adopted 1978.
- (14) Ordinance No. 238, Local Assistance Board, adopted March 6, 1981.
- (15) Ordinance No. 245, Water: Water Shutoff, as amended by Ord. No. 267, adopted March 2, 1984.
- (16) Ordinance No. 255, Parks, Beaches and Recreation Areas: Hours of Use, adopted 1983.
- (17) Ordinance No. 280, Mayor's Advisory Council, adopted February 7, 1986.
- (18) Ordinance No. 329, Water and Sewer Utility Department, January 4, 1991.
- (19) Ordinance No. 340, Fences: Electrified Fences Prohibited, adopted August 12, 1991.
- (20) Ordinance No. 397, Water: Water Service and Rates, adopted December 3, 1999, as amended.
- (21) Ordinance No. 435, Alcoholic Beverages: Consumption or Possession by Minors on Private Property, adopted September 3, 2004.
- (22) Ordinance No. 447, Records and Documents: Documents Requested Through Clerk's Office, adopted by April 1, 2005, as amended by Ord. No. 523, adopted June 7, 2013.
- (23) Ordinance No. 568, Flood Damage Prevention Amendment: Unhitched Boats and Trailers on Streets, adopted October 5, 2018.

§ 1-5. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to the final adoption of this ordinance by the Board of Commissioners.

- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Borough of West Wildwood indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- N. Ordinance No. 343, Zoning Board of Adjustment Abolished and Powers Transferred to Planning Board, adopted April 3, 1992.

§ 1-6. Changes in previously adopted ordinances.

- A. In preparing the revision and codification of the Borough of West Wildwood ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Board of Commissioners

of the Borough of West Wildwood that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.

- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)
- C. Nomenclature changes. Throughout the Code, the following titles have been updated as follows:
 - (1) "Department of Public Safety" is changed to "Police Department."
 - (2) "Board of Health of the Borough" and "Division of Health" are changed to "Cape May County Department of Health."
 - (3) "Magistrate" is changed to "Municipal Court Judge."
 - (4) "Pound Master" is changed to "Animal Control Officer."
 - (5) "Zoning Board, " "Zoning Board of Adjustment" and "Board of Adjustment" are change to "Planning Board."
 - (6) U.S. Department of Agriculture's "Soil Conservation Service (SCS)" is changed to "Natural Resources Conservation Service (NRCS)."
 - (7) U.S. "Federal Insurance Administration" is changed to "Federal Insurance and Mitigation Administration."

§ 1-7. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-8. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Borough of West Wildwood to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to one or more of the following penalties: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-9. When effective.

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

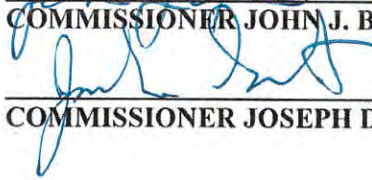
COMMISSIONERS:



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING



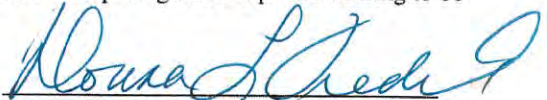
COMMISSIONER JOSEPH D. SEGREST

First Reading/Introduction: 2024 03-01

Publication: 2024 03-06

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		X	X			

I, **Donna L. Frederick, RMC, Municipal Clerk** of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the March 1, 2024, Regular Meeting and will be considered for final passage after a public hearing to be held on April 5, 2024, at 7:00pm prevailing time.



**Donna L. Frederick, RMC
Municipal Clerk**

COMMISSIONERS:

MAYOR MATTHEW J. KSIAZEK

COMMISSIONER JOHN J. BANNING

COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2024 04-05
Publication: 2024 04-10

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek						
Commissioner John J. Banning						
Commissioner Joseph D. Segrest						

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance finally adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey after a public hearing held on April 5, 2024, at 7:00pm prevailing time.

Donna L. Frederick, RMC
Municipal Clerk

**Borough of West Wildwood
Code Adoption Ordinance**

Schedule A

Specific Revisions at Time of Adoption of Code

Chapter 29, Fire Department and Fire Control Measures.

In § 29-30:

A. Subsection A is amended to read as follows:

Any person who shall violate any of the provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made hereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved hereunder or any certificate or permit issued hereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Borough Commissioners or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every such violation and noncompliance, respectively, upon conviction thereof be punishable by a fine of not more than \$2,000 or by imprisonment for not more than 90 days, or a period of community service for not more than 90 days, or any combination thereof. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each 10 days that the prohibited conditions are maintained shall constitute a separate offense.

B. Subsection C is amended to change "\$500" to "\$100."

Chapter 110, Adult Entertainment.

Article I, Dancing and Nude Exhibitions.

Section 110-5 is amended to read as follows:

A person, corporation or association of persons convicted of violating any of the provisions of this article shall, upon conviction, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 138, Animals.

Article I, Licensing and Regulation of Dogs.

A. In § 138-3:

(1) Subsection A(1) as indicated: "~~...the State of New Jersey, along with a fee of \$0.50 for the license tag of each dog.~~"

(2) Subsection E is amended to read as follows:

Dogs used as guides dogs or service dogs (as defined in N.J.S.A. 10:5-5) shall be licensed and registered as other dogs as hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor. A dog temporarily placed in a foster home as part of a formalized training to be a guide dog or service dog shall not be required to be licensed and registered while the dog remains in the foster home for such training.

- B. Section 138-6B is amended as indicated: "...the written approval of the ~~Health Officer of the Board of Health of the Borough~~ Cape May County Department of Health, showing compliance with..."
- C. Section 138-9 is amended as indicated: "~~The Mayor and Council~~ Board of Commissioners shall have power to appoint a ~~Pound Master~~ Animal Control Officer whose duty it shall be to enforce the provisions of this article. ~~The Mayor and Council~~ Board of Commissioners shall also have...."
- D. Section 138-10D is amended to change "0.50 per day" to "\$4 per day."
- E. Section 138-13 is amended as indicated: "...habitually barks or cries in violation of § 368-5C."
- F. Section 138-14 is amended as indicated: "...keeping or harboring any dog ~~unless such dog wears a muzzle securely fastened over its jaws in such a manner that it cannot bite or unless such dog is accompanied...~~"

Chapter 159, Boats and Boating.

Article I, Houseboats and Floating Homes.

A new § 159-4 is added to read as follows:

Any person or persons violating this article or any of the provisions of the same shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Article II, Kayak and Paddle Board Storage Area.

Section 159-9C is amended to read as follows:

Any person or persons violating this article or any of the provisions of the same shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 165, Brush, Grass, Weeds and Garbage.

Article I, Removal of Obnoxious Growth and Debris.

Section 165-7 is amended to read as follows:

Any person who violates any provision of this article shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each day upon which a violation of this article continues may be considered a separate offense.

Chapter 177, Buildings, Unfit.

- A. Section 177-3 is amended as indicated: "...not less than ~~10~~ seven days nor more than 30 days..."
- B. Section 177-7 is amended as indicated: "...may, within ~~60~~ 30 days from the date..."
- C. Section 177-11 is amended to read as follows:

Any and all persons who shall violate any of the provisions of this chapter, or fail to comply with any order made hereunder, and who shall interfere with or hinder the public officer, or any other duly appointed officer, agent or employee in the execution and fulfillment of his duties under this chapter shall severally, for each and every violation, be subject to one or more of the following: a fine of not

more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 181, Bulkheads.

A. Section 181-8 is amended as indicated: "...minimum elevation of 8.50 feet (NAVD 1988)."

B. Section 181-10 is amended to change each instance of the term "city" to "Borough."

C. In § 181-11:

(1) Subsection B is amended to read as follows:

All bayfront bulkheads below elevation 6.0 feet (NAVD 1988) pose a significant threat to the flood frequency of the Borough and will be required to be structurally extended to elevation 8.50 feet (NAVD 1988), where possible, no later than January 2030.

(2) Subsection C is amended to read as follows:

Bayfront bulkheads below elevation 6.0 feet (NAVD 1988) that cannot be structurally extended shall be replaced in accordance with the standards set forth in §§ 181-6 and 181-7.

(3) Subsection C(1) is amended to read as follows:

All tidal control boundary lots with a ground elevation below 8.5 feet (NAVD 1988) without bulkheading or other shore protection measure shall install a bulkhead or other shore protection measure that has been approved by the New Jersey Department of Environmental Protection no later than January 2030.

(4) Subsection C(2) is amended to read as follows:

All lots outside of the tidal control boundary with a ground elevation below 8.5 feet (NAVD 1988) without bulkheading or other shore protection measure shall install a bulkhead or other shore protection measure that has been approved by the New Jersey Department of Environmental Protection as part of the development proposal.

(5) Subsection D is amended to read as follows:

All other existing nonconforming bayfront bulkheads within the Borough shall be structurally extended, replaced, repaired or reconstructed to a minimum elevation of 8.50 feet (NAVD 1988), where possible, no later than January 2040.

D. Section 181-12 is amended to read as follows:

Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service for not more than 90 days, or any combination thereof. A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.

Chapter 186, Burning, Open.

Section 186-2 is amended to read as follows:

Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service for not more than 90 days, or any combination thereof. A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.

Chapter 194, Checks, Returned.

Section 194-1 is amended to change "\$15" to "\$20."

Chapter 225, Disorderly Conduct.

Section 225-10 is amended to read as follows:

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each day upon which a violation of this chapter continues shall be considered a separate offense.

Chapter 262, Firearms and Weapons.

A. Section 262-2 is amended to read as follows:

The provisions of this chapter shall not apply to:

- A. *Any duly appointed law officer in the course of his or her official duty.*
- B. *The use of firearms when necessary for the preservation of human life.*
- C. *The use of firearms when hunting in conformity with the applicable laws and regulations of the State of New Jersey.*
- D. *Use of a firearm on a licensed pistol, rifle or firearm range and under the supervision of the Police Department.*

B. Section 262-3 is amended to read as follows:

Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 280, Floodplain Management.

Section 280-8A is amended to change "\$1,250" to "\$2,000."

Chapter 319, Hotels and Motels.

Section 319-15 is amended to read as follows:

Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 324, Housing Standards.

Section 324-7 is amended to read as follows:

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

Chapter 340, Land Use and Development.

A. In § 340-11:

- (1) The definition of "administrative officer" is amended as indicated: "The Secretary to the Planning Board, ~~or secretary to the zoning board of adjustment, as the case may be,~~ unless a different municipal official..."

- (2) The definition of “community residence for the developmentally disabled” is amended to change the reference to “N.J.S.A. 30:4-23” to “N.J.S.A. 30:4-27.2.”
- (3) The definition of “complete application” is amended to read as follows:

An application for development shall be complete for purposes of commencing the applicable time period for action by the municipal agency. In the event the application is not certified to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period for action by the Planning Board unless a) the application lacks information indicated on a checklist adopted by this chapter and provided to the applicant and b) the administrative officer has notified the applicant, in writing, of the deficiencies in the application within 45 days of the submission of the application. The applicant may request that one or more of the submission requirements be waived within 45 days. The Planning Board may subsequently require correction of any information found to be in error and submission of additional information not specified in this chapter or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the Planning Board.

- (4) The definition of “conditional use” is amended as indicated: “...authorization by the Planning Board ~~or zoning board, as applicable.~~”
- (5) The definition of “hotel or motel” is amended to change the reference to “Hotel and Multiple-Dwelling Health and Safety Law, N.J.S.A. 55:12-A-1 et seq.” to “Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.”
- (6) The definition of “official county map” is amended to change the term “Board of Chosen Freeholders of the county” to “Board of County Commissioners of Cape May County.”
- (7) The definition of “variance” is amended to read as indicated: “...the Planning Board ~~or the zoning board of adjustment, as the case may be,~~ to depart from...”
- (8) The original definition of “zoning board” is repealed.
- B. Original § 1-21E, regarding ordinary repairs, is repealed.
- C. A new § 340-66K is added to read as follows:
- The use of electrified fences is prohibited within the confines of the Borough of West Wildwood.*
- D. Section 340-75F is amended to change the reference to the “NJ Map Filing Act” to “N.J. Map Filing Law (P.L. 2011, c. 217), N.J.S.A. 46:26B-1 et seq.”
- E. Section 340-80D(7) is amended as indicated: “...within 72 hours shall be subject to the penalty provisions in § 340-124, Violations and penalties.”
- F. Section 340-93 is amended to change the reference to the “BOCA Basic Building Code” to the “New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et seq.”
- G. Section 340-95 is amended to change the reference to “N.J.S.A. 46:23-9.11(q)” to “N.J.S.A. 46:26A-1 et seq.”
- H. In § 340-97:
- (1) Subsection B(6)(a)[1] is amended to change the reference to the “BOCA Basic Building Code” to the “New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et seq.”
- (2) Subsection B(7)(f) is amended as indicated: “...fronting on the Atlantic Ocean bay or canal tidal waters shall be set back a minimum of 10 feet from the center line of the shore

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY, NEW JERSEY**

ORDINANCE 623 (2024)

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE
ORDINANCES OF THE BOROUGH OF WEST WILDWOOD, COUNTY OF CAPE
MAY, NEW JERSEY**

WHEREAS, the Mayor and Borough Commissioners of the Borough of West Wildwood wish to adopt an Ordinance adopting a revision and codification of the Ordinances of the Borough of West Wildwood, County of Cape May, State of New Jersey.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Borough of West Wildwood, County of Cape May, New Jersey as follows:

§ 1-Error! Bookmark not defined.. Code adopted; existing ordinances continued.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of West Wildwood of a general and permanent nature adopted by the Board of Commissioners of the Borough of West Wildwood as revised and codified and consisting of Chapters 1 through 546 are hereby approved, adopted, ordained and enacted as the Code of the Borough of West Wildwood and are hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments.

§ 1-1. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified by the Clerk of the Borough of West Wildwood by impressing thereon the Seal of the Borough of West Wildwood as provided by law, and such certified copy shall remain on file in the office of Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Commissioners of the Borough of West Wildwood to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code of the Borough of West Wildwood shall be understood and intended to include such additions and amendments.

§ 1-2. Notice; publication.

The Clerk of the Borough of West Wildwood shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with filing of the Code in the office of the Clerk as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-3. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-4. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Board of Commissioners of the Borough of West Wildwood which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following ordinances have been excluded from the Code and are specifically repealed:
- (1) Ordinance No. 13, Sewer System: Sewer Connections; Superintendent of Sewer System, adopted May 29, 1922.
 - (2) Ordinance No. 19, Streets and Sidewalks: Sidewalk Construction, adopted November 24, 1923.
 - (3) Ordinance No. 28, Sewer System: Mandatory Connection to Sewer Lines; Cesspools, adopted April 25, 1925.
 - (4) Ordinance No. 46, Boats and Boating: Motor Boats, adopted October 26, 1929.
 - (5) Ordinance No. 49, Officers and Employees: Assistant Collector and Treasurer, adopted September 24, 1930.
 - (6) Ordinance No. 60, National Defense: Blackouts and Defense Measures, adopted May 16, 1942.
 - (7) Ordinance No. 76, Municipal Court, adopted May 28, 1949.
 - (8) Ordinance No. 80, Autocabs.
 - (9) Ordinance No. 81, Fire Prevention: Fire Inspections.

- (10) Ordinance No. 93, Food Service Establishments: Health Certificate Required, adopted January 1, 1954.
- (11) Ordinance No. 170, Sanitary Landfill, adopted January 1, 1970.
- (12) Ordinance No. 193, Board of Health, adopted April 18, 1975.
- (13) Ordinance No. 216, Public Health Nuisances, adopted 1978.
- (14) Ordinance No. 238, Local Assistance Board, adopted March 6, 1981.
- (15) Ordinance No. 245, Water: Water Shutoff, as amended by Ord. No. 267, adopted March 2, 1984.
- (16) Ordinance No. 255, Parks, Beaches and Recreation Areas: Hours of Use, adopted 1983.
- (17) Ordinance No. 280, Mayor's Advisory Council, adopted February 7, 1986.
- (18) Ordinance No. 329, Water and Sewer Utility Department, January 4, 1991.
- (19) Ordinance No. 340, Fences: Electrified Fences Prohibited, adopted August 12, 1991.
- (20) Ordinance No. 397, Water: Water Service and Rates, adopted December 3, 1999, as amended.
- (21) Ordinance No. 435, Alcoholic Beverages: Consumption or Possession by Minors on Private Property, adopted September 3, 2004.
- (22) Ordinance No. 447, Records and Documents: Documents Requested Through Clerk's Office, adopted by April 1, 2005, as amended by Ord. No. 523, adopted June 7, 2013.
- (23) Ordinance No. 568, Flood Damage Prevention Amendment: Unhitched Boats and Trailers on Streets, adopted October 5, 2018.

§ 1-5. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to the final adoption of this ordinance by the Board of Commissioners.

- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Borough of West Wildwood indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- N. Ordinance No. 343, Zoning Board of Adjustment Abolished and Powers Transferred to Planning Board, adopted April 3, 1992.

§ 1-6. Changes in previously adopted ordinances.

- A. In preparing the revision and codification of the Borough of West Wildwood ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Board of Commissioners

of the Borough of West Wildwood that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.

- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)
- C. Nomenclature changes. Throughout the Code, the following titles have been updated as follows:
 - (1) "Department of Public Safety" is changed to "Police Department."
 - (2) "Board of Health of the Borough" and "Division of Health" are changed to "Cape May County Department of Health."
 - (3) "Magistrate" is changed to "Municipal Court Judge."
 - (4) "Pound Master" is changed to "Animal Control Officer."
 - (5) "Zoning Board, " "Zoning Board of Adjustment" and "Board of Adjustment" are change to "Planning Board."
 - (6) U.S. Department of Agriculture's "Soil Conservation Service (SCS)" is changed to "Natural Resources Conservation Service (NRCS)."
 - (7) U.S. "Federal Insurance Administration" is changed to "Federal Insurance and Mitigation Administration."

§ 1-7. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-8. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Borough of West Wildwood to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to one or more of the following penalties: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-9. When effective.

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

COMMISSIONERS:



MAYOR MATTHEW J. KSIAZEK



COMMISSIONER JOHN J. BANNING

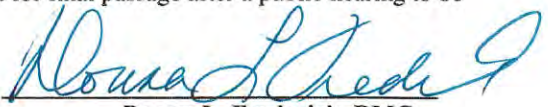


COMMISSIONER JOSEPH D. SEGREST

First Reading/Introduction: 2024 03-01
Publication: 2024 03-06

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner John J. Banning	X		X			
Commissioner Joseph D. Segrest		X	X			

I, **Donna L. Frederick, RMC, Municipal Clerk** of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the March 1, 2024, Regular Meeting and will be considered for final passage after a public hearing to be held on April 5, 2024, at 7:00pm prevailing time.



Donna L. Frederick, RMC
Municipal Clerk

COMMISSIONERS:

MAYOR MATTHEW J. KSIAZEK

COMMISSIONER JOHN J. BANNING

COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2024 04-05
Publication: 2024 04-10

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek						
Commissioner John J. Banning						
Commissioner Joseph D. Segrest						

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance finally adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey after a public hearing held on April 5, 2024, at 7:00pm prevailing time.

Donna L. Frederick, RMC
Municipal Clerk

Borough of West Wildwood Code Adoption Ordinance

Schedule A

Specific Revisions at Time of Adoption of Code

Chapter 29, Fire Department and Fire Control Measures.

In § 29-30:

A. Subsection A is amended to read as follows:

Any person who shall violate any of the provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made hereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved hereunder or any certificate or permit issued hereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Borough Commissioners or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every such violation and noncompliance, respectively, upon conviction thereof be punishable by a fine of not more than \$2,000 or by imprisonment for not more than 90 days, or a period of community service for not more than 90 days, or any combination thereof. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each 10 days that the prohibited conditions are maintained shall constitute a separate offense.

B. Subsection C is amended to change "\$500" to "\$100."

Chapter 110, Adult Entertainment.

Article I, Dancing and Nude Exhibitions.

Section 110-5 is amended to read as follows:

A person, corporation or association of persons convicted of violating any of the provisions of this article shall, upon conviction, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 138, Animals.

Article I, Licensing and Regulation of Dogs.

A. In § 138-3:

(1) Subsection A(1) as indicated: "...the State of New Jersey, ~~along with a fee of \$0.50 for the license tag of each dog.~~"

(2) Subsection E is amended to read as follows:

Dogs used as guides dogs or service dogs (as defined in N.J.S.A. 10:5-5) shall be licensed and registered as other dogs as hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor. A dog temporarily placed in a foster home as part of a formalized training to be a guide dog or service dog shall not be required to be licensed and registered while the dog remains in the foster home for such training.

- B. Section 138-6B is amended as indicated: "...the written approval of the ~~Health Officer of the Board of Health of the Borough~~ Cape May County Department of Health, showing compliance with..."
- C. Section 138-9 is amended as indicated: "The ~~Mayor and Council~~ Board of Commissioners shall have power to appoint a ~~Pound Master~~ Animal Control Officer whose duty it shall be to enforce the provisions of this article. The ~~Mayor and Council~~ Board of Commissioners shall also have..."
- D. Section 138-10D is amended to change "0.50 per day" to "\$4 per day."
- E. Section 138-13 is amended as indicated: "...habitually barks or cries in violation of § 368-5C."
- F. Section 138-14 is amended as indicated: "...keeping or harboring any dog ~~unless such dog wears a muzzle securely fastened over its jaws in such a manner that it cannot bite or unless such dog is accompanied...~~"

Chapter 159, Boats and Boating.

Article I, Houseboats and Floating Homes.

A new § 159-4 is added to read as follows:

Any person or persons violating this article or any of the provisions of the same shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Article II, Kayak and Paddle Board Storage Area.

Section 159-9C is amended to read as follows:

Any person or persons violating this article or any of the provisions of the same shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 165, Brush, Grass, Weeds and Garbage.

Article I, Removal of Obnoxious Growth and Debris.

Section 165-7 is amended to read as follows:

Any person who violates any provision of this article shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each day upon which a violation of this article continues may be considered a separate offense.

Chapter 177, Buildings, Unfit.

- A. Section 177-3 is amended as indicated: "...not less than ~~10~~ seven days nor more than 30 days..."
- B. Section 177-7 is amended as indicated: "...may, within ~~60~~ 30 days from the date..."
- C. Section 177-11 is amended to read as follows:

Any and all persons who shall violate any of the provisions of this chapter, or fail to comply with any order made hereunder, and who shall interfere with or hinder the public officer, or any other duly appointed officer, agent or employee in the execution and fulfillment of his duties under this chapter shall severally, for each and every violation, be subject to one or more of the following: a fine of not

more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 181, Bulkheads.

A. Section 181-8 is amended as indicated: "...minimum elevation of 8.50 feet (NAVD 1988)."

B. Section 181-10 is amended to change each instance of the term "city" to "Borough."

C. In § 181-11:

(1) Subsection B is amended to read as follows:

All bayfront bulkheads below elevation 6.0 feet (NAVD 1988) pose a significant threat to the flood frequency of the Borough and will be required to be structurally extended to elevation 8.50 feet (NAVD 1988), where possible, no later than January 2030.

(2) Subsection C is amended to read as follows:

Bayfront bulkheads below elevation 6.0 feet (NAVD 1988) that cannot be structurally extended shall be replaced in accordance with the standards set forth in §§ 181-6 and 181-7.

(3) Subsection C(1) is amended to read as follows:

All tidal control boundary lots with a ground elevation below 8.5 feet (NAVD 1988) without bulkheading or other shore protection measure shall install a bulkhead or other shore protection measure that has been approved by the New Jersey Department of Environmental Protection no later than January 2030.

(4) Subsection C(2) is amended to read as follows:

All lots outside of the tidal control boundary with a ground elevation below 8.5 feet (NAVD 1988) without bulkheading or other shore protection measure shall install a bulkhead or other shore protection measure that has been approved by the New Jersey Department of Environmental Protection as part of the development proposal.

(5) Subsection D is amended to read as follows:

All other existing nonconforming bayfront bulkheads within the Borough shall be structurally extended, replaced, repaired or reconstructed to a minimum elevation of 8.50 feet (NAVD 1988), where possible, no later than January 2040.

D. Section 181-12 is amended to read as follows:

Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service for not more than 90 days, or any combination thereof. A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.

Chapter 186, Burning, Open.

Section 186-2 is amended to read as follows:

Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service for not more than 90 days, or any combination thereof. A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.

Chapter 194, Checks, Returned.

Section 194-1 is amended to change "\$15" to "\$20."

Chapter 225, Disorderly Conduct.

Section 225-10 is amended to read as follows:

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each day upon which a violation of this chapter continues shall be considered a separate offense.

Chapter 262, Firearms and Weapons.

A. Section 262-2 is amended to read as follows:

The provisions of this chapter shall not apply to:

- A. *Any duly appointed law officer in the course of his or her official duty.*
- B. *The use of firearms when necessary for the preservation of human life.*
- C. *The use of firearms when hunting in conformity with the applicable laws and regulations of the State of New Jersey.*
- D. *Use of a firearm on a licensed pistol, rifle or firearm range and under the supervision of the Police Department.*

B. Section 262-3 is amended to read as follows:

Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 280, Floodplain Management.

Section 280-8A is amended to change "\$1,250" to "\$2,000."

Chapter 319, Hotels and Motels.

Section 319-15 is amended to read as follows:

Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 324, Housing Standards.

Section 324-7 is amended to read as follows:

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

Chapter 340, Land Use and Development.

A. In § 340-11:

- (1) The definition of "administrative officer" is amended as indicated: "The Secretary to the Planning Board, ~~or secretary to the zoning board of adjustment, as the case may be,~~ unless a different municipal official..."

- (2) The definition of “community residence for the developmentally disabled” is amended to change the reference to “N.J.S.A. 30:4-23” to “N.J.S.A. 30:4-27.2.”
- (3) The definition of “complete application” is amended to read as follows:

An application for development shall be complete for purposes of commencing the applicable time period for action by the municipal agency. In the event the application is not certified to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period for action by the Planning Board unless a) the application lacks information indicated on a checklist adopted by this chapter and provided to the applicant and b) the administrative officer has notified the applicant, in writing, of the deficiencies in the application within 45 days of the submission of the application. The applicant may request that one or more of the submission requirements be waived within 45 days. The Planning Board may subsequently require correction of any information found to be in error and submission of additional information not specified in this chapter or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the Planning Board.

- (4) The definition of “conditional use” is amended as indicated: “...authorization by the Planning Board ~~or zoning board, as applicable.~~”
- (5) The definition of “hotel or motel” is amended to change the reference to “Hotel and Multiple-Dwelling Health and Safety Law, N.J.S.A. 55:12-A-1 et seq.” to “Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.”
- (6) The definition of “official county map” is amended to change the term “Board of Chosen Freeholders of the county” to “Board of County Commissioners of Cape May County.”
- (7) The definition of “variance” is amended to read as indicated: “...the Planning Board ~~or the zoning board of adjustment, as the case may be,~~ to depart from...”
- (8) The original definition of “zoning board” is repealed.
- B. Original § 1-21E, regarding ordinary repairs, is repealed.
- C. A new § 340-66K is added to read as follows:
- The use of electrified fences is prohibited within the confines of the Borough of West Wildwood.*
- D. Section 340-75F is amended to change the reference to the “NJ Map Filing Act” to “N.J. Map Filing Law (P.L. 2011, c. 217), N.J.S.A. 46:26B-1 et seq.”
- E. Section 340-80D(7) is amended as indicated: “...within 72 hours shall be subject to the penalty provisions in § 340-124, Violations and penalties.”
- F. Section 340-93 is amended to change the reference to the “BOCA Basic Building Code” to the “New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et seq.”
- G. Section 340-95 is amended to change the reference to “N.J.S.A. 46:23-9.11(q)” to “N.J.S.A. 46:26A-1 et seq.”
- H. In § 340-97:
- (1) Subsection B(6)(a)[1] is amended to change the reference to the “BOCA Basic Building Code” to the “New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et seq.”
- (2) Subsection B(7)(f) is amended as indicated: “...fronting on the Atlantic Ocean bay or canal tidal waters shall be set back a minimum of 10 feet from the center line of the shore

protection structure to reduce the risks of damage from wave runoff and overtopping and maintain the accessibility of the..."

- I. In § 340-99:
- (1) Subsection A(2) is amended as indicated: "...Class II Planning Board member for the purposes of this article in the event that there be among the Class IV or alternate members of the Planning Board both a member of the zoning board of adjustment and a member of the Board of Education."
 - (2) Subsection A(4) is amended to change the phrase "seven other citizens" to "six other citizens."
- J. In § 340-102:
- (1) Subsection A(2) is amended as indicated: "...members of the ~~respective~~ Board and the public..."
 - (2) Subsection B(1) is amended as indicated: "...Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., with the additional requirement that, notwithstanding N.J.S.A. 40:55D-12b, in the case of condominiums, each individual unit owner must be served in addition to the condominium association. Applicants must secure from the Borough Tax Office a listing of those owners of property situated within 200 feet surrounding the entire property included within the scope of the application as measured from all boundaries of said property. There is a fee for the said list, ~~and Gazette Leader~~ which shall be published in the official Borough newspaper at least 10 days before the hearing. The notice..."
 - (3) Subsection B(9) is amended as indicated: "...upon request to the ~~appropriate~~ Board Secretary upon the payment..."
- K. Section 340-106C is amended as indicated: "The Planning Board, ~~Zoning Board of Adjustment,~~ or the governing body..."
- L. In § 340-108:
- (1) Subsection A is amended as indicated: "...the Fee Ordinance of West Wildwood Borough, § 340-118. The Board..."
 - (2) Subsection B(2) is amended as indicated: "...the Fee Ordinance of West Wildwood Borough, § 340-118."
- M. In § 340-110:
- (1) Subsection A is amended as indicated: "...the Borough's Fee Ordinance, § 340-108, and 15 copies each of the application and the minor subdivision plat for a determination by the Planning Board Secretary that the application is complete. The applicant shall submit to the Planning Board Secretary at least 25 days prior to the regularly scheduled monthly meeting of the Planning Board a fee in accordance with the Borough's Fee Ordinance, § 340-108, and 15 copies each..."
 - (2) Subsection K is amended to change the reference to the "Map Filing Act, P.L. 1960, c. 141 (C.46:23-9.9 et seq.)" to "NJ Map Filing Law (P.L. 2011, c. 217), N.J.S.A. 46:26B-1 et seq."
- N. Section 340-111A is amended as indicated: "...the Borough's Fee Ordinance, § 340-118, and 15 copies each..."
- O. In § 340-112:

- (1) Subsection A(1) is amended as indicated: "...the Borough's Fee Ordinance, § 340-118, a and 15 copies each of the application and final major subdivision plat for a determination of completeness by the Board Secretary. The applicant shall submit to the Planning Board Secretary, at least 25 days prior to the regularly scheduled monthly meeting of the Planning Board, a fee in accordance with the Borough's Fee Ordinance, § 340-118, a and 15 copies each..."
- (2) Subsection B(2) is amended to change the reference to "Chapter 141 of the Laws of 1960 (Map Filing Law)" to "NJ Map Filing Law (P.L. 2011, c. 217), N.J.S.A. 46:26B-1 et seq."
- (3) Original § 1-98C.11.c. is repealed.
- (4) Subsection C(11)(d)[1] is amended to change the reference to "Map Filing Law, P.L. 1960, c. 141 (C.46:23-9.9 et seq.)" to "NJ Map Filing Law (P.L. 2011, c. 217), N.J.S.A. 46:26B-1 et seq."
- P. Section 340-119D(1) is amended as indicated: "...the Borough Fee Ordinance, § 340-118."
- Q. Section 340-124A is amended to read as follows:
- Any person, firm or corporation that shall violate any provisions of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.*
- R. Section 340-149F(6) is amended to change the phrase "Mayor and Council" to "Board of Commissioners."

Chapter 355, Mercantile Licenses.

- A. Original Sec. XII.11.a., the initial taxicab rate schedule, is repealed.
- B. Section 355-69 is amended to read as follows:

For the violation of any provision of this chapter, the maximum penalty, upon conviction of the violation, shall be one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each day of continued operation after service of a notice of violation upon the applicant shall be considered a separate offense, allowing the imposition of additional and separate fines and penalties. In addition thereto, upon such conviction, the person, firm or corporation violating any of the provisions of this chapter shall be subject to suspension or revocation of the license issued.

Chapter 368, Noise.

- A. Section 368-5C is amended as indicated: "...public peace and dignity. Owning, possessing or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line. For the purpose of this section, a 'noise disturbance from a barking dog' shall be defined as that created by a dog barking continually for 10 minutes or intermittently for 30 minutes, unless provoked."
- B. Section 368-7 is amended to read as follows:

Any person violating the provisions of this chapter shall, upon conviction thereof, be punished by one or more of the following: a fine not to exceed \$2,000 or by imprisonment not to exceed 90 days or by a period of community service for not more than 90 days.

Chapter 390, Parks, Beaches and Recreation Areas.

Article I, Ed Lusk Memorial Playground, Glenwood Avenue Public Beach and Bay Avenue Playground.

Section 390-3 is amended to read as follows:

Any person or association of persons convicted of a violation of this article shall, upon conviction thereof, be subject to one or more of the following: a fine of not less than \$100 nor more than \$2,000 or imprisonment in the County Jail for up to 90 days or a period of community service for up to 90 days for each offense. Each day that a violation continues after service of official notice of such violation shall be considered a separate offense subject to separate additional penalties.

Chapter 410, Property Maintenance.

Article I, Littering and Property Maintenance.

Section 410-6 is amended to change "\$1,000" to "\$2,000."

Article II, Boarding Up Property.

Section 410-8 is amended to read as follows:

Any person, partnership, firm or corporation who violates any section of this article shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Article III, Adoption of Standards.

Section 410-11 is amended to read as follows:

Violators of any section of this article and/or the International Property Maintenance Code hereby adopted shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days, at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Chapter 419, Records and Documents.

Section 419-3 is amended to read as follows:

The following fees shall be payable by the requestor to the Borough of West Wildwood for the discovery provided:

- A. *Per-page duplication fees:*
 - (1) *For each letter size page or smaller: \$0.05.*
 - (2) *For each legal size page or larger: \$0.07.*
- B. *Actual postage for any discovery sent by mail.*
- C. *For the envelope for any discovery sent by mail: \$0.25.*
- D. *Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.*
- E. *Duplication of videotapes constitute an extraordinary duplication process and will be charged at the rate of \$5 per videotape.*
- F. *On any item that cannot be photocopied on the Borough copy machine or not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.*

Chapter 435, Sewer System.

Article I, Capping of Sewer Vents.

Section 435-3 is amended to read as follows:

Any person who violates any section of this article shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 441, Shopping Carts.

Section 441-4 is amended to read as follows:

Any person or association of persons violating the terms of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 464, Solid Waste.

Article II, Garbage Disposal and Recycling.

In Section 464-12:

- A. In Subsection B, under the definition of “designated recyclable materials,” Subsection (1)(a)[4] is amended to read as follows:

Plastic containers. Plastic containers imprinted on the bottom with any of the symbols below, five gallons or less in size, including bottles, jugs, jars and other rigid plastic containers. Plastic containers from food, beverage, health, beauty and cleaning products are included. Examples include, but are not limited to, margarine tubs, microwave trays, yogurt containers, plastic buckets and landscape pots. No styrofoam packaging. No polystyrene egg cartons. No beverage cups. No PVC pipe. No plastic film. No plastics which contained chemicals or hazardous products, such as motor oil or pesticide containers. All food and liquid residue shall be removed from containers.



- B. Subsection D(3)(d) is amended as indicated: “All food service establishments, ~~as defined in the health code,~~ shall, in addition to compliance...”
- C. Subsection E(2) is amended as indicated: “...violation of this section ~~and the local sanitary code.~~”
- D. Subsection I is amended to read as follows:

Penalty. Any person or entity violating, or failing to comply with, any of the provisions provided in this section shall, upon conviction thereof, be punishable by one or more of the following: a maximum fine of \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days, or any combination thereof, in the discretion of the Municipal Judge. The continuation of any violation for each successive day shall constitute a separate offense, and the person, persons, or entity allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. Any violation may be afforded at least one warning at the discretion of the enforcement designees before the issuance of any fines.

Chapter 470, Stormwater Management.

A. In § 470-2, the definition of “dewatering” is amended as indicated: “...one or more well points, the by mechanical means of a ~~such as~~ submersible pump...”

B. In § 470-4:

(1) Subsection P(2)(b) is amended as indicated: “Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post-construction for the two-year storm is infiltrated. ~~Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or~~”

(2) Original Sec. IV-P.2.iii. is repealed.

C. Section 470-10A(3) is amended as indicated: “..shall submit [~~specify number~~] three copies...”

D. Section 470-12 is amended to read as follows:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall, upon conviction of the violation, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each day of continued operation after service of a violation upon the applicant shall be considered a separate offense allowing the imposition of additional separate fines and penalties.

Chapter 475, Stormwater Quality.

Article I, Litter Control.

Section 475-5 is amended to read as follows:

Any person(s) who is found to be in violation of the provisions of this article shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Article II, Improper Disposal of Waste.

Section 475-11 is amended to read as follows:

Any person(s) who continues to be in violation of the provisions of this article, after being duly notified, shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Article III, Feeding of Wildlife.

Section 475-16 is amended to read as follows:

Any person(s) who is found to be in violation of the provisions of this article shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Article IV, Containerization of Yard Waste.

Section 475-21 is amended to read as follows:

Any person(s) who is found to be in violation of the provisions of this article shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Article V, Illicit Connection to Storm Sewer System.

Section 475-26 is amended to read as follows:

Any person(s) who is found to be in violation of the provisions of this article be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Article VI, Pet Waste Disposal.

Section 475-32 is amended to read as follows:

Any person(s) who continues to be in violation of the provisions of this article, after being duly notified, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Article VII, Private Storm Drain Inlet Retrofitting.

Section 475-38 is amended to read as follows:

Any person(s) who is found to be in violation of the provisions of this article shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days, for each storm drain inlet that is not retrofitted to meet the design standard.

Article VIII, Refuse Containers and Dumpsters.

Section 475-44 is amended to read as follows:

Any person(s) who is found to be in violation of the provisions of this article shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.

Chapter 482, Streets and Sidewalks.

Section 482-20 is amended to read as follows:

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each and every day that such violation shall continue shall be a further and separate offense under the terms of this chapter, subject to the penalties herein prescribed.

Chapter 488, Swimming Pools, Fences and Concrete Construction.

A. Section 488-5 is amended as indicated: "...fee for such permit shall be \$25, which fee is subject to change by Resolutions that be established by resolution of the Board of Commissioners and may, from time to time, be adopted by the governing body of the Borough of West Wildwood amended by resolution."

B. Section 488-7 is amended to read as follows:

Any person or association of persons convicted of a violation of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days. Each day that a violation continues after service of official notice of such violation shall be considered a separate offense subject to separate additional penalties.

Chapter 505, Trailers and Camp Cars.

Section 505-4 is amended to read as follows:

Any person or association of persons convicted of a violation of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days for each offense. Each day that a violation continues after service of official notice of such violation shall be considered a separate offense subject to separate additional penalties.

Chapter 520, Vehicles and Traffic.

- A. Section 520-27A is amended to read as follows:

Handicapped parking spaces and zones are designated by resolution of the Board of Commissioners.

- B. Section 520-30B is amended to read as follows:

For each subsequent offense: a minimum fine of \$250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.

Chapter 527, Vehicles, Unlicensed or Inoperative.

- Section 527-5 is amended to read as follows:

A person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days; and each day that such violation shall continue, shall be deemed a separate offense.

Chapter 538, Water and Sewer Service.

- A. Section 538-1C is amended as indicated: “...the Borough Clerk's office shall not ~~be valid unless appropriate road or street opening permits are also obtained~~ issue a permit for the opening or excavation of any street under the control of the Borough where such street has been resurfaced or replaced within five years prior to the date of application for the permit. Any such emergency...”
- B. Section 538-3 is amended to change the reference to the “Borough Street and Road Opening Ordinance Number 351” to “Chapter 482, Article I, Street Encroachments and Openings, of the Borough Code.”
- C. Section 538-8A is amended to read as follows:

Any person, firm, corporation or partnership violating any provision of this article shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days.