

LINWOOD COMMON COUNCIL
CAUCUS AGENDA
August 22, 2018
6:00 P.M.

**NOTICE OF THIS MEETING HAS BEEN PUBLISHED
IN ACCORDANCE WITH THE REQUIREMENTS OF
THE OPEN PUBLIC MEETINGS ACT.**

1. Roll Call Mayor DePamphilis ___ Mr. Beinfest _____ Mrs. DeDomenicis _____
 Mr. Ford _____ Mr. Gordon _____ Mr. Heun _____
 Mr. Matik _____ Mr. Paolone _____

 Professionals: Mr. Youngblood ___ Mr. Polistina _____ Mrs. Napoli _____
2. Approval of Minutes Without Formal Reading
3. Mayor's Report
4. Councilman Beinfest
 - A. Neighborhood Services
5. Councilwoman DeDomenicis
 - A. Public Works
6. Councilman Ford
 - A. Planning & Development
 1. Ordinance amending Chapter 155 Flood Hazard Areas in compliance with new Federal Regulations – final reading
 2. Resolution authorizing temporary signage at The Exchange
 3. Ordinance amending the City Code to prohibit short term rentals – first reading
7. Councilman Gordon
 - A. Engineering
 1. Resolution requesting installation of new LED street lights on Shore Road by Memorial Park
8. Councilman Heun
 - A. Public Safety
 1. Resolution requesting installation of a street light on Melody Lane
9. Councilman Matik
 - A. Revenue & Finance
 - B. Ordinance amending City Code Chapter 83, Consumption in Public – first reading
10. Council President Paolone
 - A. Administration
 1. Resolution authorizing the issuance of a Raffle License to Egg Harbor Twp Home & School
11. Mr. Youngblood

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
August 22, 2018**

CALL TO ORDER

**NOTICE OF THIS MEETING HAS BEEN
PUBLISHED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT.**

FLAG SALUTE: Councilman Eric Ford

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

ORDINANCES

18 OF 2018 AN ORDINANCE AMENDING CHAPTER 155 FLOOD HAZARD AREAS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: August 8, 2018

PUBLICATION: August 13, 2018

PASSAGE: August 22, 2018

19 OF 2018 AN ORDINANCE AMENDING CHAPTER 83 ALCOHOLIC BEVERAGES, ARTICLE IV, CONSUMPTION IN PUBLIC, OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: August 22, 2018

PUBLICATION: August 27, 2018

PASSAGE: September 12, 2018

20 OF 2018 AN ORDINANCE AMENDING THE CODE OF THE CITY OF LINWOOD TO ADD A NEW CHAPTER TO PROHIBIT SHORT TERM (30 DAYS OR LESS) RESIDENTIAL RENTALS AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: August 22, 2018

PUBLICATION: August 27, 2018

PASSAGE: September 12, 2018

RESOLUTIONS WITHIN CONSENT AGENDA

All matters listed under item, **Consent Agenda**, are considered to be routine by City Council, and will be enacted by one motion in the form listed. Any items requiring expenditure are supported by a Certification of Availability of Funds and any item requiring discussion will be removed from the Consent Agenda and discussed separately. All Consent Agenda items will be reflected in full in the minutes.

164-2018 A Resolution requesting Atlantic City Electric to install a streetlight on Melody Lane in the City of Linwood

165-2018 A Resolution authorizing the issuance of a Raffle License, #2108-21, to HSA Egg Harbor Twp

166-2018 A Resolution approving temporary signage for The Exchange

167-2018 A Resolution requesting Atlantic City Electric to install five LED streetlights on Shore Road in the City of Linwood

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APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

ORDINANCE NO. 18, 2018

AN ORDINANCE AMENDING CHAPTER 155 FLOOD HAZARD AREAS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 155, Flood Hazard Areas is hereby amended to be titled as follows: Flood Damage Prevention

SECTION 2: Chapter 155, Article II, Section 155-5 Words and terms defined, the following definitions are hereby amended to read as follows:

ADVISORY BASE FLOOD ELEVATION (ABFE) — The elevation shown on a community's Advisory Flood Hazard Area Map that indicates the advisory stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a one-percent-or-greater chance of being equaled or exceeded in any given year.

ADVISORY FLOOD HAZARD AREA (AFHA) — The land in the floodplain within a community subject to flooding from the one-percent annual chance event depicted on the Advisory Flood Hazard Area Map.

ADVISORY FLOOD HAZARD AREA MAP — The official map on which the Federal Emergency Management Agency has delineated the areas of advisory flood hazards applicable to the community.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

BASE FLOOD — A flood having a one-percent chance of being equaled or exceeded in any given year (also known as a "one-hundred year flood").

BREAKAWAY WALLS — A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

ELEVATED BUILDING — A non basement building built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor or, in the case of a building in a coastal high-hazard area or coastal A zone, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the base flood elevation plus freeboard by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water, and adequately anchored so as to not impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of coastal high-hazard and coastal A

zone, "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

EROSION — The process of gradual wearing away of land masses.

FLOOD INSURANCE STUDY (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

FLOODPLAIN MANAGEMENT REGULATIONS — Zoning ordinances, subdivision regulations, building codes, health regulations, special purposes ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

LATERAL ADDITION — Improvements that increase the square footage of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room, enclosed porch, or other type of addition to an existing structure. If the addition is a "substantial improvement," then the existing home and addition needs to be elevated to the higher regulatory standard plus freeboard pursuant to the best available data. If the addition is being constructed in conjunction with improvements to the existing structure and the sum of the renovations are equal to a "substantial improvement," then the addition and existing home need to be elevated to the best available data plus freeboard. If the common wall is demolished as part of the project, then the entire structure must be elevated. If only a doorway is knocked through it and only minimal finishing is done, then only the addition has to be elevated.

LOWEST FLOOR — The lowest floor of the lowest enclosed area, including the basement. An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so to render the structure in violation of other applicable nonelevation design requirements of 44 CFR Section 60.3.

START OF CONSTRUCTION — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvements and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of pilings, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above the ground.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 5-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a five-year period, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SECTION 3: Chapter 155, Article II, Section 155-5 Words and terms defined, is hereby amended to add the following definitions:

AO ZONE- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH ZONE - Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

BASE FLOOD ELEVATION (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BEST AVAILABLE FLOOD HAZARD DATA - The effective Flood Insurance Risk Maps or most recent Advisory Flood Hazard Area Maps FEMA has provided.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION - Is depicted on the effective FIRM or FIS, or an Advisory Flood Hazard Area Map or Advisory FIS.

COASTAL A ZONE – The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action

delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

CUMULATIVE SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 5 years.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FREEBOARD — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

LIMIT OF MODERATE WAVE ACTION (LimWA) – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LimWA will be similar to, but less severe than those in the V Zone.

PRIMARY FRONTAL DUNE — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

VIOLATION — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 4: Chapter 155, Article III, Section 155-7 Basis for establishing areas of special flood hazard, Sections A(1) (2) (3) and B are hereby amended to read as follows:

(1) A scientific and engineering report “Flood Insurance Study, Atlantic County, New Jersey, (All Jurisdictions) (34001CV000A) dated August 28, 2018.

(2) “Flood Insurance Rate Map for Atlantic County, New Jersey (All Jurisdictions)” as shown on Map Index and Panels 34001C0427F, 34001C0428F, 34001C0429F, 34001C0431F, 34001C0433F, and 34001CIND0A, whose effective date is August 28, 2018.

(3) Best Available Flood Hazard Data. These documents shall take precedence over

effective panels and FIS in construction and development regulations only. Where the effective mapping or Advisory Base Flood Elevation conflict or overlap, whichever imposes the more stringent requirement shall prevail.

B. The above documents are hereby adopted and declared to be a part of this chapter. The flood insurance study, maps and advisory documents are on file at 400 Poplar Avenue, Linwood City, New Jersey.

SECTION 5: Chapter 155, Article III, Section 155-8 Compliance required; violation and penalties Section A is hereby amended to read as follows:

A. No structure or land shall hereafter be re-located to, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

SECTION 6: Chapter 155, Article IV, Section 155-12 Development permits is hereby amended to read as follows:

A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in § 155-7. Application for a development permit shall be made to the Construction Official on forms furnished by him and may include but not be limited to the following plans, in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

SECTION 7: Chapter 155, Article IV, Section 155-14 Duties of Construction Official, Section A Permit Review (3) (4), adding (5) (6), are hereby amended to read as follows:

(3) Review all development permits in the area of special flood hazard to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than two-tenths of a foot at any point.

(4) Review plans for walls to be used to enclose space below the base flood level in accordance with § 155-19B.

(5) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 155-18 are met.

(6) Review all development permits in the coastal high hazard and Coastal A Zone area to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.

SECTION 8: Chapter 155, Article IV, Section 155-14 Duties of Construction Official, Section C Information to be obtained and maintained is hereby amended to add the following:

(5) In coastal high hazard and Coastal A Zone areas, certification shall be obtained

from a registered professional engineer or architect that the provisions of 155-19B(1) and 155-19B(2) are met.

SECTION 9: Chapter 155, Article IV, Section 155-14 Duties of Construction Official, Section D Alteration of watercourses (1) is hereby amended to read as follows:

- (1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration

SECTION 10: Chapter 155, Article IV, Section 155-14 Duties of Construction Official is hereby amended to add the following:

F. Substantial Damage Review

- (1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- (2) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- (3) Ensure substantial improvements meet the requirements of sections 155-17A, B and C.

SECTION 11: Chapter 155, Article V, Section 155-16 General Standards, Section F Enclosure Openings (1) is hereby amended to read as follows:

- (1) A minimum of two openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

SECTION 12: Chapter 155, Article V, Section 155-17 Specific Standards, Sections A, B & C are hereby amended to read as follows:

A. Residential construction.

- (1) For Coastal A Zone construction see section 155-19 Coastal high-hazard areas and coastal A zone. New construction or substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive, plus one foot of freeboard.
- (2) Require within any AO or AH Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential construction. In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone (for Coastal A Zone construction see section 155-19 Coastal high-hazard areas and coastal A zone, shall have the lowest floor, including basement,

together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment either:

- (1) Elevated to or above the base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive, plus one foot; and
- (2) Require within any AO or AH Zone on the municipality's DFIRM that all new construction and substantial improvement shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or
- (3) Be floodproofed so that below the base flood level plus one foot, or as required by ASCE/SEI 24-14, Table 6-1, or the best available flood hazard data elevation plus one foot (whichever is more restrictive), the structure is watertight with walls substantially impermeable to the passage of water;
- (4) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (5) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in § 155-14C(2).

C. Manufactured homes.

- (1) Manufactured homes shall be anchored in accordance with § 155-16A.
- (2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be consistent with the need to minimize flood damage, be constructed to minimize flood damage, have adequate drainage provided to reduce exposure to flood damage, be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, plus one foot (whichever is more restrictive) and the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

SECTION 13: Chapter 155, Article V, Section 155-19 Coastal high-hazard areas, title, introductions and specific parts of Section B are hereby amended to read as follows:

Coastal high-hazard areas and coastal A zone

Coastal high-hazard areas (V or VE Zones) and coastal A zones are located within the areas of special flood hazard established in § 155-7. These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

B. Construction methods.

- (1) Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that:
 - (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation, or as required by ASCE/SEI 24-14, Table 4-1, or the best available flood hazard data elevation, whichever is more restrictive, plus one foot and,
- (2) Structural support.
 - (c) There shall be no fill used for structural support within Zones V1-30, VE,

V, and Coastal A on the community's DFIRM.

SECTION 14: Chapter 155, Article V, Section 155-19 Coastal high-hazard areas and coastal A zone is hereby amended to add the following:

C. Sand dunes. Prohibit man-made alteration of sand dunes within Coastal A Zones, VE and V Zones on the community's DFIRM which would increase potential flood damage.

SECTION 15: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 16: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>August 8, 2018</i>
<i>PUBLICATION:</i>	<i>August 13, 2018</i>
<i>PASSAGE:</i>	<i>August 22, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, August 8, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 22, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 19, 2018

AN ORDINANCE AMENDING CHAPTER 83 ALCOHOLIC BEVERAGES, ARTICLE IV, CONSUMPTION IN PUBLIC, OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 83 Alcoholic Beverages, Article IV, Consumption in Public is hereby amended to add the following section:

§ 83-29. Special Events.

The prohibitions contained in this section shall not apply to the consumption of alcoholic beverages purchased or distributed in accordance with the lawful issuance by the City of Linwood of an alcoholic beverage permit for a special event; provided, however, that:

- (1) Such beverage or container shall have been purchased at the event or distributed by the event sponsor;
- (2) It shall be possessed solely within the geographical boundaries of the location of the event or within such more-limited area as may be prescribed by the terms of the permit or the rules and regulations established by the event sponsor;
- (3) It shall be possessed only within the time limits established by the permit; and
- (4) All other conditions of the permit are being satisfied.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING:
PUBLICATION:
PASSAGE:

August 22, 2018
August 27, 2018
September 12, 2018

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, August 22, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 12, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 20, 2018

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LINWOOD TO ADD A NEW CHAPTER TO PROHIBIT SHORT TERM (30 DAYS OR LESS) RESIDENTIAL RENTALS AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

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

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

WHEREAS, short term rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within residential neighborhoods; and

WHEREAS, the City of Linwood desires to amend and supplement the Code of the City of Linwood to provide for the regulation of “Short Term (30 days or less) Residential Rentals, as further defined below, and for the enforcement of said regulations; and

WHEREAS, the City of Linwood desires to impose penalties as permitted pursuant to N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29 for violations of the provisions established herein for Short Term Rental Prohibitions:

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Short Term Rentals Prohibited.

A. It shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use rights in a dwelling unit, their principals, partners or shareholders, or their agents, employees, representatives and other persons or entities acting in concert, or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of 30 days or less.

B. Nothing in this Chapter will prevent the otherwise lawful occupancy of an entire dwelling unit for a rental period of more than 30 days. However, rental of a room or a portion of the premises for any term is not permitted.

SECTION 2: Definitions.

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of the provisions of this Chapter, as same may be viewed through various media including, but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this Chapter.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment or thing of value.

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, house, condominium, building, co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking sleeping, gathering and /or entertaining of occupants and/or guests, for consideration, for a period of 30 days or less.

HOUSEKEEPING UNIT

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

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory rights within a dwelling unit.

OWNER

Any person or entity, association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge,

care, control or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity and any person and/or entity acting in concert or any combination thereof.

RESIDENTIAL OCCUPANCY

The use of a dwelling unit by one or more occupants.

SECTION 3: Permitted Uses.

The residential occupancy of an otherwise lawful occupied dwelling unit for a period of 30 days or less by a person who is a member of the housekeeping unit of the owner, without consideration, such as houseguests, is permitted.

SECTION 4: Advertising Prohibited.

It shall be unlawful to advertise, solicit or promote by any means or actions in violation of this Chapter.

SECTION 5: Enforcement; Violations and Penalties.

- A. The provision of this Chapter shall be enforced by the Zoning Official, Building Code or Sub-Code official or by any other City Official or employee so designated by the Mayor and/or Council.
- B. A violation of this Chapter is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this Chapter, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,000.00. Each day of such violation, after receiving written notice of same, shall be a new and separate violation of this Chapter.
- D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 6: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 7: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>August 22, 2018</i>
<i>PUBLICATION:</i>	<i>August 27, 2018</i>
<i>PASSAGE:</i>	<i>September 12, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, August 22, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 12, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

RESOLUTION No. 164, 2018

A RESOLUTION REQUESTING ATLANTIC CITY ELECTRIC TO INSTALL
A STREETLIGHT ON MELODY LANE IN THE CITY OF LINWOOD

WHEREAS, the Common Council of the City of Linwood has received certain recommendations concerning the installation of a streetlight on Melody Lane within the City of Linwood; and

WHEREAS, said request and recommendation have been directed to Atlantic City Electric; and

WHEREAS, the cost for one CSL 70 watt LED is \$841.02 then \$4 per month delivery charge; and

WHEREAS, the Common Council of the City of Linwood concurs and is desirous of formally requesting the installation of a streetlight;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that Atlantic City Electric be and is hereby requested to install one CSL 70 watt LED streetlight on Melody Lane at the cost of \$841.02.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 22nd day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____



A PH Company

2542 Fire Road
Egg Harbor Twp, NJ 08234

THIS IS NOT A BILL

August 16, 2018

CITY OF LINWOOD
400 W POPLAR AVENUE
LINWOOD NJ 08221-1899

SUBJECT: Cost to install (1) one LED (70 watt HPS equivalent) Cobra style light on pole # P36266, Melody Ln. Linwood., NJ account #5500 0327 506 Wmis # 5697063

Dear Leigh Ann:

Following a site visit we have determined that; Contributed Lighting Extension (CLE) charge for installing the requested street light is \$841.02. This fixture installation will remain the property of Atlantic City Electric, and we will provide ordinary maintenance and replacement of lamps and automatic controls (under CSL/CLE tariff). Monthly averaged rate (delivery charge) will be about \$4. This rate does not provide for replacement due to expiration of service life of installed fixtures, standards or other equipment.

The above stated amount will remain valid for (90) ninety days from the above date. When billing for the newly installed street lighting is initiated by our Billing Department, a one-time \$15.00 processing charge per request form will be billed.

Please indicate your acceptance of these conditions by signing and returning this agreement acknowledging your commitment to pay. This is not a bill. You may submit a purchase order and we will complete the work. Upon completion, Atlantic City Electric will then generate an invoice that must be paid within 30 days of receipt. If you should have any questions, please feel free to call me at (609) 645-4780.

We look forward to providing you with Safe, reliable energy.

Very truly yours,

William P Edwards
Sr. Municipal Lighting Specialist

Customer

Jamiil Garcia
District Engineer

Date

RESOLUTION No. 165, 2018

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2018-21,
TO HSA EGG HARBOR TWP

WHEREAS, HSA Egg Harbor Twp. has applied for a Raffle License to conduct games on November 21, 2018; and

WHEREAS, HSA Egg Harbor Twp. has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 125-5-33621;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to HSA Egg Harbor Twp. and that the Clerk be authorized to sign any documentation deemed necessary or useful.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 22nd day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

Part E - Officers of Applicant

Office	Name of officer	Residence address	Age
Secretary	Donna Moran	220 Beacon Hill Dr. EHT	52

Part F - Members of Applicant who will be in charge of the games

Name of member in charge	Residence address	Telephone No. <small>(include area code)</small>	Age
Donna Moran	220 Beacon Hill Dr. EHT	609-892-4076	52

Part G - Members of Applicant who will assist in conducting the games

Name of member	Residence address	Age

Part H - Names of other organizations whose members will assist in conducting the games

Name and address of organization	How related	Identification No.

If more space is needed in any section of this application, insert extra sheets of paper.

Part I - Statement of Applicant and member(s) in charge

State of New Jersey)
County of Atlantic) ss.

We do hereby each make the following statement, under oath, with respect to the foregoing application:

1. The applicant (is) (is not) limited in its activities to the furtherance of one or more authorized purposes as defined in the Raffles Licensing Law.
2. Prior to the issuance of any license to it to conduct games of chance, the applicant was actively engaged in serving one or more "authorized purposes."
3. The applicant has received and used, and in good faith expects to continue to receive and use, to further one or more authorized purposes, funds from sources other than games of chance.
4. The conduct of the games on the occasion or occasions for which this application is made will be to raise and devote the entire net proceeds to the authorized purpose described in the application.
5. For each occasion for which a license is sought, one or more of the members listed who are familiar with the Raffles Licensing Law and the Rules and Regulations, will be in full charge of, and primarily responsible for, the conduct of the games.
6. No commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conducting, of the games, except to bookkeepers or accountants for professional services not exceeding the amounts fixed by the Schedule of Fees, as well as the compensation for the Licensed Compensated Workers pursuant to N.J.A.C. 13:47-6A. No prize may be offered and given in cash, except as otherwise provided by the Raffles Licensing Law (N.J.S.A. 5:8-50 et seq.). If a cash prize under certain circumstances is permitted by the law, the amount of the cash prize may not exceed the limits prescribed by the Raffles Licensing Law.
7. All statements in the foregoing application are true.

Sworn and subscribed to before me this
7 day of August, 2018.
Mary F Cole
 Notary Public (Print name)
[Signature]
 Signature of Notary Public

[Signature] Secretary
 Signature of Officer and Title
[Signature]
 Member in Charge
[Signature]
 Member in Charge

 Member in Charge

 Member in Charge



If more space is needed in any section of this application, insert extra sheets of paper.

Applicant's registration slip from the *Legalized Games of Chance Control Commission* must be presented to the Municipal Clerk with this application.

Sample Ticket

Off Premises Raffle Awarding Cash

N.J.A.C. 13:47-8.8

Stub	Ticket
<p>Name _____</p> <p>Address _____</p> <p>City _____</p> <p>State _____</p> <p>ZIP code _____</p> <p>Telephone Number _____</p> <p style="text-align: right;">NJ LGCCC Identification # <u>125-5-33621</u></p> <p style="text-align: right;">Municipal RL # _____</p>	<p style="text-align: right;">NJ LGCCC Identification # <u>125-5-33621</u></p> <p style="text-align: right;">Municipal RL # _____</p> <p style="text-align: center;">Name of Organization 50/50 <u>EHT Home and School Association</u></p> <p style="text-align: center;">This is a 50/50 cash raffle and the winner will receive 50% of the amount received for all tickets or rights to participate</p> <p style="text-align: center;"><u>MRS Football Field</u></p> <p style="text-align: center;">Location of Drawing <u>11:15 am (halftime)</u></p> <p style="text-align: center;">Date of Drawing <u>11-21-18</u></p> <p style="text-align: center;">Time of Drawing _____</p> <p style="text-align: center;">Purpose to which entire proceeds will be devoted <u>EHT Project Graduation 2019</u></p> <p style="text-align: center;">"No substitution of the offered prize may be made."</p> <p style="text-align: center;">Price of Ticket <u>\$100.00</u></p> <p style="text-align: center;">Ticket # <u>001-200</u></p>

This illustration is provided for your convenience. While the form of the ticket may vary, the information listed above must be contained on your printed ticket. If you require assistance with your ticket, please contact the office of Legalized Games of Chance Control Commission at (973) 273-8000. This sample ticket must be attached to the Application for Municipal Raffle License and submitted to the municipality.

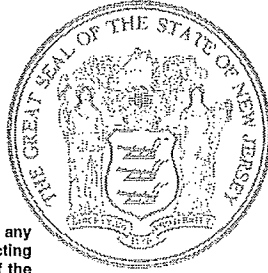
Pursuant to N.J.S.A. 5:8-6, a Legalized Games of Chance Control Commission Registration is hereby issued to:

Effective date: 10/25/2016

Expiration date: 10/25/2018

Registration identification: 125-5-33621

HSA Egg Harbor Twp
39 MOUNTAIN LANE
EGG HARBOR TOWNSHIP, NJ 08234



New Jersey Office of the Attorney General
Division of Consumer Affairs
Legalized Games of Chance Control Commission
Registration

Neither registration nor the assignment of an identification number shall entitle any organization to hold, operate or conduct, or assist in the holding, operating or conducting of, any game or games of chance without the approval of the issuing authority of the municipality in which the game or games are to be held, operated or conducted.

Name of organization on application and license must be the same as it appears on this registration.
This Registration Certificate may only be utilized by the above-named organization.

Mail to: HSA EGG HARBOR TWP
39 MOUNTAIN LANE
EGG HARBOR TOWNSHIP, NJ 08234
Attn:

A handwritten signature in black ink, appearing to read "E. Barrett".

Edward F. Barrett, Secretary
Legalized Games of Chance Control Commission

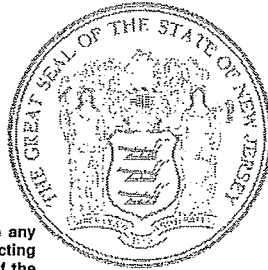
Pursuant to N.J.S.A. 5:8-6, a Legalized Games of Chance Control Commission Registration is hereby issued to:

Effective date: 10/25/2018

Expiration date: 10/25/2020

Registration identification: 125-5-33621

HSA Egg Harbor Twp
24 HIGH SCHOOL DR
EGG HARBOR TOWNSHIP, NJ 08234



New Jersey Office of the Attorney General
Division of Consumer Affairs
Legalized Games of Chance Control Commission
Registration

Neither registration nor the assignment of an identification number shall entitle any organization to hold, operate or conduct, or assist in the holding, operating or conducting of, any game or games of chance without the approval of the issuing authority of the municipality in which the game or games are to be held, operated or conducted.

Name of organization on application and license must be the same as it appears on this registration.
This Registration Certificate may only be utilized by the above-named organization.

Mail to: HSA EGG HARBOR TWP
24 HIGH SCHOOL DR
EGG HARBOR TOWNSHIP, NJ 08234
Attn:

A handwritten signature in black ink, appearing to read "E. Barrett".

Edward F. Barrett, Secretary
Legalized Games of Chance Control Commission

RESOLUTION No. 166, 2018

A RESOLUTION APPROVING TEMPORARY SIGNAGE FOR THE EXCHANGE

WHEREAS, the owner of The Exchange has requested permission for three temporary banner flags, measuring 9' tall, approximately 27" at its widest point, advertising coffee, food, and bar along the front of the business, The Exchange, 2110 New Road in the City of Linwood; and

WHEREAS, temporary signage needs approval by City Council; and

WHEREAS, the Common Council is desirous of approving said request;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, that permission for the placement of three temporary banner flags, measuring 9' tall, approximately 27" at its widest point, advertising coffee, food, and bar are hereby granted to The Exchange based on the following conditions;

- 1.) Signs shall not be internally illuminated or electrically activated.
- 2.) Signs shall not be in the Right-of-way on New Road.
- 3.) Signs shall not block any site triangle for access and egress points of travel.

BE IT FURTHER RESOLVED, that the signs shall be permitted for a period of three months beginning on August 22, 2018 and ending on November 22, 2018.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 22nd day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 167, 2018

A RESOLUTION REQUESTING ATLANTIC CITY ELECTRIC TO INSTALL FIVE LED STREETLIGHTS ON SHORE ROAD IN THE CITY OF LINWOOD

WHEREAS, the Common Council of the City of Linwood has received certain recommendations concerning the installation of streetlights on Shore Road within the City of Linwood; and

WHEREAS, said request and recommendation have been directed to Atlantic City Electric; and

WHEREAS, the cost for five LED (150 watt HPS equivalent) is \$624.80 then \$70 per month delivery charge; and

WHEREAS, the Common Council of the City of Linwood concurs and is desirous of formally requesting the installation of a streetlight;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that Atlantic City Electric be and is hereby requested to install five LED (150 watt HPS equivalent) streetlights on Shore Road at the cost of \$624.80.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 22nd day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____



A PH Company

2542 Fire Road
Egg Harbor Twp, NJ 08234

THIS IS NOT A BILL

August 16, 2018

CITY OF LINWOOD
400 W POPLAR AVENUE
LINWOOD NJ 08221-1899

SUBJECT: Cost to install (5) five LED (150 watt HPS equivalent) Cobra style lights on Shore Rd, (near the ball fields, P240, P243, P246, P253 & P22158 Linwood., NJ account #5500 0327 209
Wmis # 5697066

Dear Leigh Ann:

Following a site visit we have determined that; Street and Private Lighting (SPL) charge for installing the requested street lights as shown on the enclosed Proposal form is \$624.80. This fixture installation(s) will remain the property of Atlantic City Electric. Monthly averaged rate will be about \$70 (under SPL tariff) This rate provides ordinary maintenance and replacement of lamps and automatic controls. The company maintains the installed fixtures, standards and other equipment.

The above stated amount will remain valid for (90) ninety days from the above date. When billing for the newly installed street lighting is initiated by our Billing Department, a one-time \$15.00 processing charge per request form will be billed.

Please indicate your acceptance of these conditions by signing and returning this agreement acknowledging your commitment to pay. This is not a bill. You may submit a purchase order and we will complete the work. Upon completion, Atlantic City Electric will then generate an invoice that must be paid within 30 days of receipt. If you should have any questions, please feel free to call me at (609) 645-4780.

We look forward to providing you with Safe, reliable energy.

Very truly yours,

William P Edwards
Sr. Municipal Lighting Specialist

Jamiil Garcia
District Engineer

Customer

Date