

Merchantville, NJ

August 8, 2016

A regular meeting of Borough Council was held at 7:30 PM, Monday, August 8, 2016. Mayor Ted Brennan presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

**ROLL CALL:**

Council Present: Volkert, Swann, Sperrazza, and McLoone. Attorney Higgins, Clerk Brouse, CFO Moules were present.

**PRESENTATION**-Redevelopment Committee Presentation

**PUBLIC**

MPWC presentation 90 years MPWC, celebrating activities, want to donate a water fountain on the multi-use path in Merchantville and Pennsauken. Require act of council? Yes Council thinks it is great. Will take action.

**PUBLIC HEARING ON ORDINANCE** (for second reading and adoption)

16-10 Adding Chapter 3, Fair Share Housing

**ADOPT ORDINANCE 16-10 Adding Chapter 3, Fair Share Housing** -On a motion of Mr. Volkert and second of Ms. Swann, Council adopted the following ordinance.

**16-10  
EXHIBIT D  
DEVELOPMENT FEE ORDINANCE  
BOROUGH OF MERCHANTVILLE**

MERCHANTVILLE BOROUGH  
ORDINANCE NO.16-10

AN ORDINANCE ADDING a new Chapter, Chapter 3, entitled "Affordable Housing" regarding the collection of residential and non-residential development fees.

**WHEREAS**, in Holmdel Builders Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules;

**WHEREAS**, the State Legislature enacted the Statewide Non-Residential Development Fee Act (C: 40:55D-8.1 through 8.7) that imposes development fees on all construction resulting in non-residential development;

**WHEREAS**, pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), municipalities that are under the jurisdiction of the Council of Affordable Housing or a court of competent jurisdiction, and have an approved spending plan, may retain development fees.

**WHEREAS**, this ordinance is intended to establish standards for the collection, maintenance, and expenditure of development fees for the sole purpose of providing low and moderate income housing, and to authorize the creation of an Affordable Housing Trust Fund.

**NOW THEREFORE BE IT ORDAINED** by the Borough of Merchantville:

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**Article I. Amendment to the Code of Ordinances.**

The Code of Ordinances is amended to add Chapter 3, Affordable Housing, as follows:

## Chapter 3. Affordable Housing

- A. Purpose. This Chapter establishes standards for the collection, maintenance, and expenditure of development fees for the sole purpose of providing low and moderate income housing. It also authorizes the creation of an Affordable Housing Trust Fund.
- B. Residential Development Fees.
1. Imposed Fees.
    - a. Residential Dwelling Units. In all zoning districts, all new residential dwelling units shall pay a development fee of 1.5% of the equalized assessed value of any new residential development, provided no increased residential density is approved.
    - b. Increased Dwelling Unit Density. When an increase in residential density is approved pursuant to N.J.S.A. 40:55D-70d(5), developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
  2. Exemptions and Waivers
    - a. Affordable Units. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
    - b. Grandfather Clause. Developments that have received preliminary or final site plan approval prior to the adoption of the municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
    - c. Demolition and Reconstruction. Residential structures demolished and replaced shall be exempt from paying a development fee.
    - d. Additions and Alternations. Additions and alterations to existing residential dwelling units shall be exempt from the development fee, unless the construction results in a net gain in the number of residential dwelling units. In the event the addition or alteration results in a net gain in the number of residential dwelling units, the development fee shall be based on the increase in the equalized assessed value of the improved structure.
    - e. Redevelopment Areas. Borough Council may waive all or a portion of the residential development fee for new residential development if: 1) the project is located in a designated Area in Need of Redevelopment, 2) the Applicant can demonstrate that the project will be financially infeasible if it is required to pay residential development fees, and 3) the proposed development is consistent with the adopted Redevelopment Plan.
- C. Non-Residential Development Fees.
1. Purpose. This section is intended to be consistent with the Statewide nonresidential development fees, as amended, as set forth in (C.40:55D-8.1 – 8.7).
  2. Imposed Fees.
    - a. New Construction. In all zoning districts, new non-residential development shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements for all new non-residential construction on an unimproved lot or lots.
    - b. Expansion. Non-residential development expansion shall pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures.

- c. Demolition and Reconstruction. Non-residential development fees shall also be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- d. Mixed-Use Buildings. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted.
- 3. Exemptions
  - a. Alterations. Change in Use. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, renovations, repairs, and changes in use within existing footprint.
  - b. Houses of Worship and Educational Uses. All non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, which is tax exemption shall be exempt from the imposition of a non-residential development fee, subject to the requirements of 40:55D-8.4.
  - c. Parking lots and parking structures. Parking lots and parking structures, regardless of whether it is constructed in conjunction with a non-residential development, such as an office building, or whether it is developed as an independent non-residential development.
  - d. Public Amenities. Any non-residential development which is an amenity to be made available to the public, including, but not limited to recreational facilities, community centers, and senior centers, which are developed in conjunction with, or funded by a non-residential developer
  - e. Non-profit hospital or a nursing home facility. Non-residential constructing resulting from a relocation of, or an on-site improvement to, a nonprofit hospital or nursing home facility.
- 4. Inconsistency. To the extent that this Chapter may be inconsistent with any provisions of the Statewide Nonresidential Development Fee Act (C. 40:55D-8.1- 8.7), this chapter is superseded to the extent of such inconsistencies.
- D. Fee Assessment. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which may be subject to an affordable housing development fee. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development. The construction official responsible for the issuance of a final certificate of occupancy shall notify the local tax assessor of any and all requests for the scheduling of a final inspection on property which may be subject to a non-residential development fee. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements, calculate the development fee, and thereafter notify the developer of the amount of the development fee. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth below in section E.
- E. Appeal of Fee Assessment.
  - 1. Residential Development Fees. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Merchantville. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2. **Non-residential Development Fees.** A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Borough of Merchantville. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- F. **Collection of Fees.** The development fee shall be paid directly to the municipality prior to the issuance of a certificate of occupancy for such development. A final certificate of occupancy shall not be issued for any residential or non-residential development subject to this chapter until such time as the fee imposed has been paid by the developer. A developer may deposit with the appropriate entity the development fees as calculated by the municipality under protest and the local code enforcement official shall issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy. All fees must be deposited in a separate interest-bearing account for the purposes of affordable housing, known as the Borough's Affordable Housing Trust Fund.
- G. **Affordable Housing Trust Fund.** There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and other activities that generate affordable housing funds, including, but not limited to: proceeds from the sale of affordable units, rental income from municipally operated units, repayments from affordable housing program loans, recapture funds, and any other funds collected in connection with the Borough of Merchantville's affordable housing program. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities.
- H. **Expenditure of Affordable Housing Trust Funds.** Release of the funds requires the adoption of a Council resolution in accordance with the Borough's adopted Spending Plan. Once a request is approved, the municipal chief financial officer releases the revenues from the trust fund for the specific use, as per the governing body's resolution. Funds shall not be expended to reimburse the Borough for past housing activities.

**Article II. Inconsistency with Ordinances.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies and should any section, clause, sentence, phrase or provision of any item in this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**Article III. Codification.** If codification reveals there is a conflict between the chapter and section numbers and/or letters and the existing code, the Borough Clerk is authorized to administratively change any chapter or section numbers and/or letters in order to eliminate confusion. No substantive changes may be made.

**Article III. Public Inspection.** A copy of this Ordinance shall be available for public inspection at the office of the Township Clerk during regular business hours.

**Article IV. Effective Date.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey and upon the filing of same with the Burlington County Planning Board as required by N.J.S.A. 40:55D-16.

**ENGINEER REPORT**-Engineer provided a written report

**APPROVAL OF MINUTES**-On a motion of Ms. Swann and second of Mr. McLoone (Mr. Volkert abstained), council approved the council meeting minutes of 7/11/16 and caucus meeting minutes of 1/25/16.

**CORRESPONDENCE**

**COUNCIL REPORTS**

**Mr. Volkert**-No Planning Board meeting, PW report and clean up to private properties.

**Ms. Swann**-Shade Tree Commission-No August meeting, Mr. Paulson has retired from Shade Tree. September 17<sup>th</sup> town wide yard sale, Music Festival October 1<sup>st</sup>, August 17<sup>th</sup> public events meeting in Borough hall, Collectible Show, October 8<sup>th</sup>, November-cleanup day and decorating, December 2<sup>nd</sup> Parade and tree lighting.

**Mr. Sperrazza**-Sidewalk grant almost complete, resale and property maintenance continues, declaration of taking for properties is in progress for St Joe's Carpentry and a transfer should take place within 10 days after, two vacant properties are for sale. Ordinance on agenda to correct rental inspections. Fire 191 man hours drill, 18 calls.

**Mr. McLoone**-Parks and Playground-June 27<sup>th</sup> – July 29<sup>th</sup>, 105 kids, 90 averaged kids, 16 councilors, one broken arm, thank you police, fire and Ashleigh and Joe Moffa and drug alliance for their support. Thanks for tennis classes as well.

**Mayor**- Thanks to the Police and Fire departments for National Night Out, it was a great event, the chief did an especially great job, and we even had sky divers. Court is about the same as last year with some money down. See Click Fix-TV in court room.

**CLERK'S REPORT****OLD BUSINESS****NEW BUSINESS**

**Discussion**-Amending Chapter 66, Rental requirements-response to law suit-3yr inspections with no increase and change of tenant same.

**APPROVAL**-Use of Facility for Montessori Seeds of Education Picnic-On a motion of Mr. Volkert and second of Ms. Swann, Council approved the use of facility for Montessori Seeds of Education picnic.

**APPROVAL**- Use of Facility for Party in Park at Community Center- On a motion of Mr. Volkert and second of Ms. Swann, Council approved the use of facility for the Kelly family.

**APPROVAL**-Firefighter Gregory T. Skoufalos

**APPROVAL**-Firefighter Joseph J. Rocchi III

On a motion of Mr. Sperrazza & second of Mr. Volkert, council approved Firefighters Gregory T. Skoufalos & Joseph J. Ricchi III.

Resolutions to be read by consent agenda: On a motion of Mr. Volkert and second of Mr. Sperrazza, Council approved the following resolutions by consent agenda:

**R16-103**

**RESOLUTION CERTIFYING A LIEN AGAINST CERTAIN PROPERTIES  
FOR COSTS INCURRED BY THE BOROUGH OF MERCHANTVILLE IN ACCORDANCE WITH THE  
PROPERTY MAINTENANCE CODE**

**WHEREAS**, in accordance with Chapter 3 of the Code of the Borough of Merchantville entitled the "Property Maintenance Code", notice of noncompliance was sent to the below properties,

**WHEREAS**, said property owners did not comply with said notice and the Merchantville Public Works Department was ordered to abate the violations; and

**WHEREAS**, it is the desire of this Governing Body, in accordance with Chapter 60B of the Code of the Borough of Merchantville, to certify said costs incurred by the Merchantville Public Works Department

as a lien against the properties; in accordance with Chapter 3 of the Code of the Borough of Merchantville.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the following lien is hereby certified as against the property as noted in accordance with Chapter 3 of the Code of the Borough of Merchantville:

|                  |          |
|------------------|----------|
| 124 Ivins Ave    | \$500.00 |
| 201 Woodlawn Ave | \$500.00 |
| 133 Ivins Ave    | \$500.00 |
| 225 Woodlawn Ave | \$250.00 |
| 108 E Walnut Ave | \$250.00 |
| 122 E Park Ave   | \$250.00 |
| 217 Victoria St  | \$250.00 |
| 20 Browning Rd   | \$500.00 |
| 139 Maple Ter    | \$250.00 |
| 111 Poplar Ave   | \$250.00 |
| 113 Poplar Ave   | \$250.00 |
| 156 S Centre St  | \$250.00 |
| 33 W Cedar Ave   | \$338.88 |
| 12 Euclid Ave    | \$250.00 |

**BE IT FURTHER RESOLVED** that the Borough Clerk shall forward a certified copy of this resolution to the owner(s) of the subject property.

**BE IT FURTHER RESOLVED** that the Tax Collector shall be responsible for collection of the amounts herein certified.

**R16-104  
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR  
LIEN ON 17 EAST PARK AVENUE, MERCHANTVILLE, NJ**

**WHEREAS**, the Merchantville solicitor has called to Mayor and Council’s attention a request to place a lien on this property for the demolition costs of the building located at 17 E Park Avenue, Merchantville, NJ:

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Merchantville that a lien be filed with the office of the Borough Clerk:

| <u>BL.</u> | <u>LOT</u> | <u>NAME &amp; ADDRESS</u>         | <u>AMOUNT</u> |
|------------|------------|-----------------------------------|---------------|
| 29         | 5          | RJ Cummins Inc., 17 E Park Avenue | \$11,900.00   |

**R16-105  
RESOLUTION FOR MEMBER PARTICIPATION  
IN A COOPERATIVE PRICING SYSTEM  
A RESOLUTION AUTHORIZING THE BOROUGH OF MERCHANTVILLE  
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT  
R16-105**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on August 8, 2016 the governing body of the Borough of Merchantville, County of Camden, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

**NOW, THEREFORE BE IT RESOLVED** as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Merchantville

**AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Borough Clerk is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**CERTIFICATION**

I hereby, certify that the above resolution was adopted by the Mayor and Council of the Borough of Merchantville at a meeting of said governing body held on August 8, 2016.

**R16-106  
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY  
TO CANCEL RESOLUTION R16-97**

**WHEREAS**, a resolution was passed to purchase a vehicle from state contract; and  
**WHEREAS**, it was determined that all information was not provided at the time that the resolution was approved;

**NOW THEREFORE, BE IT RESOLVED**, by the council of the Borough of Merchantville, that the following resolution be canceled:

|        |                 |  |                  |
|--------|-----------------|--|------------------|
| R16-97 | C-04-55-834-909 | Purchase 2017 Ford F350 for Public Works | \$26,664.00      |
|        |                 | <b>TOTAL</b>                             | <b>26,664.00</b> |

**R16-107  
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY  
AUTHORIZING THE PURCHASE OF A 2017 FORD F350 CHASSIS  
CAB AND OPTION TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Borough Council of the Borough of Merchantville desires to purchase a 2017 Ford F350 Chassis Cab and Options under state contract; and

**WHEREAS**, Cherry Hill, Winner Ford, can provide a vehicle under state contract number A88758 (T2101) at the amount of \$22,869.00, 2 Wheel Drive and 169" wheelbase, 84" CA \$850.00 and options, shown in Attachment A \$50,993.00, total not to exceed \$77,687.00; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED**, that approval has been granted for the purchase of, one 2017 Ford F350 Chassis Cab and Options, Winner Ford, 250 Haddonfield Road, Cherry Hill, NJ 08034, attached is a copy of the trucks specifications;

**R16-108**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,**  
**COUNTY OF CAMDEN, STATE OF NEW JERSEY TO APPROVE**  
**A BINGO LICENSE FOR ST. PETER SCHOOL**

**WHEREAS,** St. Peter Catholic School has applied for and received an identification number 299-5-2697 allowing St. Peter Catholic School the ability to conduct bingo licenses with proper approval; and

**WHEREAS,** St. Peter Catholic School has properly completed the bingo license application and at least 7 days have elapsed between the time the application was filed and the time that the Borough Council made their findings and determination with checks to the Borough of Merchantville in the amount of \$20.00 each and checks to the Legalized Games of Chance Control Commission in the amount of \$20.00 each and that 15 days will elapse between the time the municipality forwards the application to the control commission and the date the license is issued to the applicant ; and

**WHEREAS,** Council person Swann council person of the Department of Records and Licenses, has reported that the laws and regulations have been met, and that she recommends the granting of said license; and

**WHEREAS,** the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council be and is hereby authorized to issue a Bingo license numbered SPS 16-12 to St. Peter Catholic School for the Bingo taking place on November 12, 2016.

**R16-109**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN**  
**AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF THE 2016 DEER**  
**CARCASS REMOVAL INTER-LOCAL AGREEMENT WITH CAMDEN COUNTY**

**WHEREAS,** the Mayor and Council of the Borough of Merchantville wish to participate in the Camden County Cooperative agreement for Deer Carcass removal; and

**WHEREAS,** the Camden County Board of Chosen Freeholders opened bid at the Division of Purchasing on July 15, 2016 at 11:30AM awarding the bid between Camden County Cooperative Members and Deer Carcass Removal Services for the removal of Deer Carcass, Bid A-25/2016;

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Edward F. Brennan, Mayor of the Borough of Merchantville, be and hereby is authorized to enter into a contract directly with Deer Carcass Removal Services LLC. P.O. Box 328, Cream Ridge, NJ 08514 August 1, 2016 to July 31, 2017, at a cost of \$65.00 per deer carcass removal with Camden County in the Deer Carcass Removal Services.

**R16-110**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY**  
**OF CAMDEN AND STATE OF NEW JERSEY APPROVING MODIFIED**  
**SCOPE OF WORK FOR THE CONCRETE SIDEWALK PROJECT**

**WHEREAS,** it was necessary to make changes in the scope of work to be done in completing the concrete sidewalk project in the Borough of Merchantville, Camden County, New Jersey;

**WHEREAS,** a change Order was developed to itemize and authorize these changes, they include additional sidewalk replacement at various locations within the Borough of Merchantville;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Merchantville that the following Change Order which is considered to be number One (1) is hereby authorized and approval is hereby granted to revise the contract amount from \$50,000.00

Increase additional concrete sidewalk blocks 4x4 and 5x5

\$5,705.00

total contract of \$55,705.00

The following resolution was walked on by Steve Volkert: On a motion of Mr. Volkert and second of Mr. Sperrazza, Council approved the following resolution:

**R16-112**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,**  
**COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO HIRE A**  
**PROPERTY APPRAISER FOR THE SERVICES RELATED TO AN APPRAISAL**  
**FOR 202 GLENWOOD AVENUE IN THE BOROUGH OF MERCHANTVILLE**

**WHEREAS**, the Mayor and Council of the Borough of Merchantville desire to hire an appraiser for the appraisal of the property located at 202 Glenwood Avenue, in the Borough of Merchantville; and

**WHEREAS**, quotes were received and the lowest price was from Joseph W. Clarke, III.; and;

**WHEREAS**, the total amount allowable will be not to exceed \$375.00 and that the CFO has certified that these funds are available;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Joseph W. Clarke, III, Heritage Real Estate Company, 4 Munn Avenue, Cherry Hill, NJ 08034 will provide these services.

Ordinances for introduction on first reading. This Ordinances will be considered for adoption at the public hearing to be held during the September 12<sup>th</sup> meeting.

**16-11**  
**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF**  
**CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 66,**  
**RENTAL CERTIFICATE OF INSPECTION REQUIREMENTS, IN THE**  
**CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Article I. of Chapter 66, Rental Properties, in the Code of the Borough of Merchantville is hereby amended as follows:

**Article I.**  
**Inspections; Property and Inspection Standards**

**ARTICLE I.                      ARTICLE I.                      SECTION 66-1.                      Definitions.**

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this Chapter, shall have the following meaning:

**AGENT:**                      The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner of this Chapter. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

**APARTMENT or DWELLING:** Any apartment, cottage, bungalow or other dwelling unit,

consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or the operation of any industry or business or for any other type of independent use.

**CERTIFICATE:** The Rental Certificate of Inspection issued by the Borough attesting that the rental unit has been properly inspected in accordance with this Chapter.

**CERTIFICATE HOLDER:** The person to whom the Certificate is issued pursuant to this Chapter. The term "Certificate Holder" includes within its definition the term "agent," where applicable.

**DWELLING UNIT:** Any room or rooms or suite or apartment, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or Inspection thereof.

**OWNER:** Any person or group of persons, firm, corporation or officer thereof, partnership association or trust who owns, operates, exercises control over, or is in charge of a rental facility.

**PERSON:** An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

**RENTAL FACILITY:** Every building, group of buildings or a portion thereof consisting of one (1) or more dwelling units, which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals.

**RENTAL UNIT:** A dwelling unit, which is available for lease or rental purposes. Rental unit shall not include that portion of a rental Facility occupied by the owner.

**ARTICLE II.                      ARTICLE I.                      SECTION 66-2.                      Inspection.**

All rental units within a rental facility hereinabove defined shall be inspected by the Borough of Merchantville for thirty-six (36) consecutive months, or with each change in occupancy, whichever shall occur first.

ARTICLE III.      ARTICLE I.      SECTION 66-3. Application for inspection;                      contents.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, every owner shall apply to the Borough Clerk of the Borough of Merchantville, or such other person as designated by the Mayor and Borough Council, for an inspection of each rental unit contained within a building or structure. The application for inspection shall include the following information:

A. The name and domicile address of the record owner or owners of the premises and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and domicile addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, where such individual may be reached both during the day and evening hours. The designation of a "P.O. Box" or similar alternative address does not satisfy the requirements of this Section.

B. If the domicile address of any record owner is not located in Merchantville or in Camden County the name and domicile address of a person who resides in Camden County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.

C. The name and domicile address of the agent of the premises, if any.

D. The name and domicile address, including the dwelling unit number of the superintendent, janitor, custodian or other individual, employed by the owner or agent to provide regular maintenance service, if any.

E. The name, domicile address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Camden County, who may be reached or contacted at any time in the event of an emergency affecting the rental facility or any unit of dwelling space therein, including such emergencies, as the future of any essential service or system and who has the authority to make emergency decisions concerning the rental facility and any repair thereto or expenditure in connection therewith.

F. The name of any pet residing in the rental unit, the breed of said pet, and the license number assigned to this pet pursuant to its licensure by the State of New Jersey and/or the Borough of Merchantville.

G. The name and address of every holder of a recorded mortgage on the premises.

H. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

I. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan, which shall become part of the application and which shall be attached to the application for inspection when filed by the Borough Clerk or designee. This information shall be made available to the emergency services providers within the Borough of Merchantville.

J. Such other information as may be prescribed by the Borough of Merchantville.

**ARTICLE IV. ARTICLE I. SECTION 66-4. Application for inspection; indexing and filing; public inspection; fee.**

The Borough Clerk or designee shall index and file the application for inspection. In doing so, the Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the application for inspection will simultaneously satisfy the requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being inspected, and will also satisfy the inspection requirements of this Chapter. The owners shall post the Rental Certificate of Inspection issued by the Borough in a conspicuous place within its property.

**ARTICLE V. ARTICLE I. SECTION 66-5. Application for inspection; amendments; filing.**

Every person required to file an application for inspection pursuant to this Chapter shall file an amended application for inspection within twenty (20) days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership of the premises is changed.

**ARTICLE VI. ARTICLE I. SECTION 66-6. Periodic inspections.**

A. Each rental unit within the rental facility shall be inspected at least once every thirty-six (36) month period.

B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Merchantville, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough of Merchantville shall not be used as a valid substitute.

C. Such inspection shall be for the purpose of determining zoning ordinance compliance and, to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Uniform Fire Safety Act.

D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit within the rental facility are deemed unsatisfactory, a Rental Certificate of Inspection shall not issue for such property, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made, so as to bring the property and rental

unit into compliance with the applicable code, and the property is thereafter subsequently inspected and a Rental Certificate of Inspection is issued. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and, if not made within that time period, the owner shall be deemed in violation of this chapter, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of Sections 17 and 18 of this Chapter. The owner, however, shall be permitted to apply for an extension of time to make repairs or corrections so as to comply with this chapter, for good cause shown.

**ARTICLE VII. ARTICLE I. SECTION 66-7. Access for inspections; repairs.**

A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities and rental units, in order that they may promote the purposes of this Chapter to safeguard the health, safety and welfare of the occupants of rental facilities and rental units and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities and rental units at all reasonable times. The owner or occupant of every rental facility and/or rental unit shall give the inspecting officer free access to the rental facility and/or rental unit at all reasonable times, to promote the purposes of this Chapter.

B. Every occupant shall give the owner of the rental facility or rental unit access to any part of such rental facility or rental unit at all reasonable times for the purpose of making such repairs or alterations, as are necessary, to effect compliance with the provisions of this Chapter or any lawful order issued pursuant thereto.

C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this Chapter, an inspecting officer shall conduct an inspection as hereinbefore provided.

**ARTICLE VIII. ARTICLE I. SECTION 66-8. Prohibitions on Inspection.**

No person shall hereafter occupy any rental unit, nor shall the owner permit Inspection of any rental unit within the Borough of Merchantville, which has not been issued a Rental Certificate of Inspection in accordance with this Chapter.

**ARTICLE IX. ARTICLE I. SECTION 66-9. Rental Certificate of Inspection.**

A. Upon the filing of a completed application for inspection, payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a Rental Certificate of Inspection commencing of the date of issuance, valid for a period of thirty-six (36) consecutive months. As hereinbefore stated, should a change of occupancy occur within the inspection period, the Rental Certificate of Inspection shall be void and, upon the filing of a completed application for inspection, payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a new Rental Certificate of Inspection commencing on the date of issuance, valid for a period of thirty-six (36) consecutive months.

B. An application for inspection shall be required for each rental unit, and Rental Certificate of Inspection shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

**ARTICLE X. ARTICLE I. SECTION 66-10. (Reserved)**

**ARTICLE XI. ARTICLE I. SECTION 66-11. Fees.**

At the time of the filing of the application for inspection, and, prior to the issuance of a Rental Certificate of Inspection, the owner or agent of the owner must pay a fee in accordance with the following:

A. An application fee of \$50.00 per rental unit in rental facilities per inspection period or upon a change in occupancy.

B. A fee of \$50.00 per rental unit shall be charged pursuant to property inspections required under this Chapter. Fees for the re-inspection of rental units shall be charged pursuant to property inspections performed under this Chapter as follows:

1. For the first re-inspection, there shall be no fee.
  2. For the second re-inspection, there shall be a fee of \$20.00.
  3. For the third and each subsequent re-inspection, there shall be a fee of \$30.00.
- D. If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$20.00 shall be assessed in addition any fees outstanding.
- E. If the owner of the property is a senior citizen who resides in a unit of the rental facility and rents out the remaining unit(s), and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no fee.

**ARTICLE XII. ARTICLE I. SECTION 66-12. Providing application for inspection to occupants and tenants.**

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the application for inspection required by this Chapter. This provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act, as per N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the application for inspection in a conspicuous place within the rental unit(s).

**ARTICLE XIII. ARTICLE I. SECTION 66-13. Maximum number of occupants; posting.**

A. The maximum number of occupants, as determined by the Hotel and Multiple Dwelling Inspection Code of the State of New Jersey, N.J.A.C. 5:13A-1 et seq., shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent and/or tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this provision shall be subject to the penalty provisions of Sections 17 and 18 of this Chapter.

B. Only those occupants whose names are on file with the Borough of Merchantville, as required in this Chapter, may reside in the subject premises. It shall be unlawful for any other person to reside in said premises, and any owner, agent and/or tenant allowing any other party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of Section 17 and 18 of this Chapter.

**ARTICLE XIV. ARTICLE I. SECTION 66-14 Taxes and other municipal charges; payment precondition for inspection and issuance of Rental Certificate of Inspection.**

No Rental Certificate of Inspection shall issue for any property, containing a rental unit, unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

**ARTICLE XV. ARTICLE I. SECTION 66-15. Other rental unit standards.**

All dwelling units shall be maintained in accordance with the Uniform Construction Code and the BOCA National Property Maintenance Code.

**ARTICLE XVI. ARTICLE I. SECTION 66-16. Occupant(s) standards.**

A. Occupants. Only those occupants whose names are on file with the Borough Clerk, as provided in this Chapter, may reside in the premises subject to the Rental Certificate of Inspection. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

B. Nuisance prohibited. No rental facility shall be conducted in a manner, which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owner or of the public in general, such that it shall constitute a nuisance, as defined in the ordinance of the Borough of Merchantville.

C. Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Merchantville, and with all applicable state and federal laws

D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of Section 18 of this Chapter.

**ARTICLE XVII.**

**ARTICLE I.**

**SECTION 66-17.**

**Revocation of Rental Certificate of Inspection; procedure.**

A. Grounds. In addition to any other penalty prescribed herein, a Certificate Holder may be subject to the revocation or suspension of the Rental Certificate of Inspection issued hereunder upon the happening of one or more of the following:

(1) Conviction of a violation of this Chapter in the Municipal Court or any other court of competent jurisdiction.

(2) Determination of a violation of this Chapter at a hearing held pursuant to Subsection B., herein.

(3) Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of the Noise Ordinance of the Borough.

(4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this Chapter.

(5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to the person or property.

B. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a Rental Certificate of Inspection may be filed by any one or more of the following: Director of the Office of Code Enforcement, Chief of Police, Construction Code Official, Code Enforcement Officer, Fire Inspector or any other persons or officers authorized to file such complaint. Such complaint shall be in writing and filed with the Borough Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the Certificate Holder of the charges, so as to permit the Certificate Holder to present a defense. The individual(s) may file a complaint on the basis of information and belief, and need not rely on personal information.

(2) Upon the filing of such written complaint, the Borough Clerk or designee shall immediately inform the Mayor and Borough Council, and a date for a hearing shall be scheduled, which shall not be sooner than 15 nor more than 30 days thereafter. The Borough Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the Certificate Holder and/or the agent, if any, at the address indicated on the application for inspection. Service upon the agent shall be sufficient.

(3) The hearing required by this section shall be held before the Mayor and Borough Council, unless, in its discretion, the Mayor and Borough Council determine that the matter should be heard by a Hearing Officer, who shall be appointed by the Mayor and Borough Council. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Mayor and Borough Council within 30 days of the conclusion of the hearing. The Mayor and Borough Council shall then review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before such hearing officer. In the event that the matter is not referred to a Hearing Officer and is heard by Mayor and Borough Council, then the Mayor and Borough Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the Rental Certificate of Inspection, or determining that the Rental Certificate of Inspection shall not be renewed or reissued for one or more subsequent years.

(4) A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(5) The Borough Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action brought pursuant to this Chapter by demonstrating that the Certificate Holder has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

**ARTICLE XVIII. ARTICLE I. SECTION 66-18. Violations; penalties.**

Unless another penalty is expressly provided by New Jersey statute, every person, firm, association or corporation violating any provision of this Chapter shall, upon conviction thereof, be subject to the fines and/or penalties as are set forth in the Chapter 1-9 of the Code of the Borough of Merchantville. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Chapter.

**ARTICLE XIX.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE XX.**

This Ordinance shall take effect after passage and publication according to law.

**16-12**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 9, ANIMALS, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 9, Animals, in the Code of the Borough of Merchantville, be and hereby is amended, as follows:

**ARTICLE I.**

**SECTION 9-56.1**

**Chickens permitted; pilot program.**

A. Notwithstanding the provisions of Section 9-56 of this Chapter, the keeping of backyard chickens shall be permitted in the Borough of Merchantville subject to the rules and regulations as specified in Sections 9-56.1 through 9-56.5 of this Chapter.

B. A pilot program for the keeping of backyard chickens is hereby authorized. Keeping of backyard chickens shall be permitted in the Borough of Merchantville subject to the rules and regulations as specified in this Chapter. The pilot program shall terminate on October 1, 2018 at 12:01 a.m., unless the Borough Council of the Borough of Merchantville act to continue same prior to that date. In the event the Borough Council does not act to continue the program prior to said termination date, all persons with backyard chickens shall be grandfathered and be able to keep their chickens so long as no new ones are added and the guidelines of the pilot are maintained.

C. Each applicant desiring to keep backyard chickens shall be required to take a class on the basics of raising backyard chickens acceptable to the Chicken Advisory Board. Proof of completion must be presented with the completed application. The Chicken Advisory Board will provide a class or refer the applicant to an acceptable backyard chicken keeping class as needed. A member of the Chicken Advisory Board will review the application with the applicant prior to final submission.

**ARTICLE II.**

**SECTION 9-56.2**

**Location; number restricted.**

A. The following shall be eligible to participate in the pilot program: residents of single family homes or residents of "twin" homes or "row" homes which meet the criteria set forth in this Section.

B. For purposes of this pilot program, no more than twenty-five (25) licenses may be issued at any one time. Any additional households wanting to participate may be considered on an

individual basis by the Chicken Advisory Board established pursuant to Section 9-57 in conjunction with the liaison to the Governing Body.

C. There shall be a limit of four (4) chickens per license. No roosters are permitted.

D. The coop and enclosed run shall not exceed six (6) feet in height and be kept at least ten (10) feet from the habitable portion of the neighboring residential dwelling. Garages, attached or otherwise, and accessory buildings shall not be considered a "residential dwelling" for purposes of calculating the required distance. Chickens may roam outside of the coop area in a back yard suitably fenced to keep them contained provided that a resident age eighteen (18) or older is present the entire time.

**ARTICLE III.**

**SECTION 9-56.3**

**Requirements**

**for coops; slaughter of**

**chickens; waste.**

The following regulations and conditions for the keeping and housing of chickens shall be complied with:

- A. The coop shall be the appropriate size for the number of chickens.
- B. The coop shall be dry and well ventilated with windows to admit sunlight.
- C. The coop must be kept clean.
- D. The coop and enclosed run must be made predator-proof.
- E. Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night.
- F. The yard in the area where the coop is located shall be clean and free from odors.
- G. There shall be no slaughter of chickens in Merchantville.
- H. Waste will be handled in such a way as proper composting to prevent offensive odors or disposed in an environmentally-friendly manner.
- I. There shall be no selling of eggs.

**ARTICLE IV.**

**SECTION 9-56.4**

**Creation of**

**Chicken Advisory Board; complaints.**

A. A Chicken Advisory Board consisting of five (5) Merchantville residents shall be formed. The Chair and members of this Board will be appointed to a two-year term by the Mayor, with advice and consent of Borough Council. The Chair and Board members shall select the Vice Chair and Secretary of the Board. The Board shall meet on a regular basis and keep minutes, which shall be submitted along with quarterly reports to Borough Council. These reports will include any activities of the Board, as well as any complaints from residents concerning backyard chickens and the resolution, if any, of those complaints.

B. When a complaint is received by the Borough, it will be forwarded to the Board for investigation by the Board. If the Board finds a violation of this Chapter, solutions will be discussed with the offending resident to allow him/her to meet the requirements of this Chapter as soon as possible. However, if, after fifteen (15) days, the violation has not been remedied, the Borough Code Enforcement Officer will be notified so that enforcement proceedings can be implemented. The Chicken Advisory Board will assist anyone desiring to no longer participate in the backyard chicken program to relocate his/her chickens.

**ARTICLE V.**

**SECTION 9-56.5**

**Revocation of license; appeal.**

Subject to the provisions of Section 9-56.4(B) of this Chapter, the Code Enforcement Officer is hereby empowered to revoke the license held by any person who violates any of the provisions of this Chapter. A licensee may appeal the decision of the Code Enforcement Officer revoking his/her license to the Chicken Advisory Board, by filing an appeal, in writing, to the Chicken Advisory Board within five (5) days of the effective date of the license revocation. Within ten (10) days of its receipt of such an appeal, the Chicken Advisory Board shall schedule a hearing to determine if the license

issued under this Chapter should be reinstated. Notice of the time and place of such hearing shall be served, in writing, upon the licensee. The Chicken Advisory Board shall only reinstate the license issued under this Chapter upon proof by the licensee that the violation(s) of the provision(s) of this Chapter have been cured.

**ARTICLE VI.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE VII.**

This Ordinance shall take effect upon passage and publication according to law.

**16-13**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 86, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Article VI. of Chapter 86, Vehicles and Traffic, of the Code of the Borough of Merchantville, is amended as follows:

**ARTICLE I.**

**ARTICLE VI. SECTION 86-13.1**

**Overnight parking;  
exceptions.**

The following shall constitute exceptions to the prohibitions set forth in Schedule VI against parking between the hours of 2:00 a.m. and 6:00 a.m. on any street in the Borough; provided, however, that no motor vehicle shall be permitted to be parked on any street for more than 24 continuous hours:

A. A resident, upon making written application for the permission provided for in this and the following subsections to the Chief of Police, shall be issued up to two (2) insignia per property, which will authorize such resident or a member of his household to park a motor vehicle duly registered in the State of New Jersey to the resident's address, which is owned by such resident or a member of his household, on the public streets of the Borough where parking is not otherwise prohibited between the hours of 2:00 a.m. and 6:00 a.m.

B. In situations involving an application by a resident for additional insignia, or which involve an application by a resident for insignia for a vehicle not registered in the State of New Jersey, the Chief of Police shall be satisfied that the resident making written application for the permission provided for in this and the following subsections has not ample driveway space, no driveway, garage or other legal off-street parking space on his premises, whereupon the Chief of Police shall issue to such resident insignia authorizing such resident or a member of his household to park a specific motor vehicle or vehicles duly registered in the State of New Jersey to the resident's address, owned by or principally used by him or a member of his household, on the public streets of the Borough where parking is not otherwise prohibited between the hours of 2:00 a.m. and 6:00 a.m. The Chief of Police shall render a decision on said written application within ten (10) days of the filing thereof.

C. In situations involving an application by a non-resident for insignia for a vehicle registered or not registered in the State of New Jersey, the Chief of Police shall be satisfied that the resident making written application for the permission provided for in this and the following subsections has not ample driveway space, no driveway, garage or other legal off-street parking space on his premises, whereupon the Chief of Police shall issue to such resident insignia authorizing such resident, a member of his household, or a non-resident, to park a specific motor vehicle or vehicles on the public streets of the Borough where parking is not otherwise prohibited between the hours of 2:00 a.m. and 6:00 a.m. The Chief of Police shall render a decision on said written application within ten (10) days of the filing thereof.

D. All such insignia issued under Subsections A and B of this Article shall be valid for the period of time in which the resident owns the vehicle designated. All such insignia issued under Subsection C of this Article shall be issued for a period of one year or less, at the discretion of the Chief of Police,

commencing on the date the application is granted, and ending on a date therein designated, and shall be renewable upon the Chief of Police being satisfied on the matters set forth in Subsection C, if applicable. The holders thereof must reapply for such permit at its designated expiration date.

E. Such insignia shall be affixed or displayed upon the rear inside rearview mirror of the motor vehicle being parked as permitted herein so as to be visible from the front of the motor vehicle.

F. Any resident denied any permit under Subsection B may, within five days of the denial of said request, file a written appeal of said denial to the Borough Police Board, which will decide each case on its merits and render a written decision within 15 days of the filing of said appeal.

G. Commercial vehicles with a gross vehicle weight (GVW) of less than 8,000 pounds shall be eligible for issuance of a parking permit under this section.

H. There shall be no fee for insignia issued under Subsection A of this article. There shall be a fee of One (\$1.00) Dollars, per insignia, for insignia issued under Subsection B of this article. There shall be a fee of Ten (\$10.00) Dollars per insignia for insignia issued under Subsection C of this Article.

### **ARTICLE III.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith

### **ARTICLE IV.**

This Ordinance shall take effect upon passage and publication according to law.

## **16-08**

### **ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING CHAPTER 33A, FLOOD DAMAGE PREVENTION, TO THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 33A, Flood Damage Prevention, is hereby added to the Code of the Borough of Merchantville, as follows:

#### **ARTICLE I.**

#### **SECTION 33A-1**

#### **Statutory Authorization, Findings of Fact and Statement of Purpose.**

A. The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Council of the Borough of Merchantville of Camden County, New Jersey does ordain as follows:

B. Findings of Fact:

1. The flood hazard areas of the Borough of Merchantville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
  6. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
  7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
  8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- D. In order to accomplish its purposes, this ordinance includes methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  2. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
  4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
  5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## **ARTICLE II. SECTION 33A-2 Definitions**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**Appeal** — A request for a review of the Borough Clerk's interpretation of any provision of this ordinance or a request for a variance.

**Base Flood** — A flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** — Any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** — 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.

**Development** — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Digital Flood Insurance Rate Map (DFIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**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.

**Flood or Flooding** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**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(s) and the water surface elevation of the base flood.

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

**Flood proofing** — 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.

**Historic Structure** — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable 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 non-elevation design requirements of 44 CFR Section 60.3.

**Manufactured Home** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Manufactured Home Subdivision** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New 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 on or after the effective date of the floodplain management regulations adopted by the municipality.

**Recreational Vehicle** — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction** — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided 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 piles, 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 ground.

**Substantial Damage** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) 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
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**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.

### **ARTICLE III. SECTION 33A-3 General Provisions.**

A. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Merchantville, Camden County, New Jersey.

B. The areas of special flood hazard for the Borough of Merchantville, Community ID # 340569, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

**1. A scientific and engineering report "Flood Insurance Study, Camden County, New Jersey (All Jurisdictions)" dated (August 17, 2016).**

**2. "Flood Insurance Rate Map for Camden County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) whose effective date is (August 17, 2016).**

3. The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 1 West Maple Avenue, Merchantville, New Jersey.

C. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be liable for a fine not exceeding \$2,000.00, or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination of the penalties so listed, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Nothing herein contained shall prevent the Borough of Merchantville, from taking such other lawful action as is necessary to prevent or remedy any violation.

D. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant,

or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- E. In the interpretation and application of this ordinance, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and,
  3. Deemed neither to limit nor repeal any other powers granted under State statutes.

F. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

G. This ordinance shall not create liability on the part of the Borough of Merchantville, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder

**ARTICLE IV. SECTION 33A-4 Administration.**

A. 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 Chapter 33A-3(B). Application for a Development Permit shall be made on forms furnished by the Borough Clerk and may include, but not be limited to; 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:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood proofed.
3. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. The Borough Clerk is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

C. Duties of the Borough Clerk shall include, but not be limited to:

1. PERMIT REVIEW
  - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
  - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

2. USE OF OTHER BASE FLOOD DATA - When base flood elevation data has not been provided in accordance with Chapter 33A-3(B), the Borough Clerk shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Chapter 33A-5(A)(1) and Chapter 33A-5(A)(2).

3. INFORMATION TO BE OBTAINED AND MAINTAINED
  - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. ALTERATION OF WATERCOURSES
  - a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section 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.

b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

5. SUBSTANTIAL DAMAGE REVIEW

a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

b) 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, Dam Safety and Flood Control Section.

6. INTERPRETATION OF FIRM BOUNDARIES - Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 33A-4(D).

#### D. VARIANCE PROCEDURE

##### 1. APPEAL BOARD

a) The Joint Land Use Board as established by Borough Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b) The Joint Land Use Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Borough Clerk in the enforcement or administration of this ordinance.

c) Those aggrieved by the decision of the Joint Land Use Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by statute.

d) In passing upon such applications, the Joint Land Use Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e) Upon consideration of the factors of Chapter 33A-4(D) and the purposes of this ordinance, the Joint Land Use Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

f) The Borough Clerk shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

##### 2. CONDITIONS FOR VARIANCES

a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Chapter 33A-4(D)(2)(d) has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d) Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified Chapter 33A-4(D)(2)(d), or conflict with existing local laws or ordinances.

e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**ARTICLE V. SECTION 33A-5 Provisions for Flood Hazard Reduction**

A. In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

1. ANCHORING

a. All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. CONSTRUCTION MATERIALS AND METHODS

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. UTILITIES

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

d. For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. SUBDIVISION PROPOSALS

a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

d. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5. ENCLOSURE OPENINGS - All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

6. MANUFACTURED HOMES

1. Manufactured homes shall be anchored in accordance with Chapter 33A-5(A)(1).

2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

- a. Be consistent with the need to minimize flood damage,
- b. Be constructed to minimize flood damage,
- c. Have adequate drainage provided to reduce exposure to flood damage.

**ARTICLE VI.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE VII.**

This Ordinance shall take effect upon passage and publication according to law.

**Payment of Bills-**On a motion of Mr. McLoone and second of Mr. Volkert, Council approved the payment of bills

**R16-111  
RESOLUTION**

**RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.**

| CURRENT FUND           |                     | REVENUE     | BUDGET              |
|------------------------|---------------------|-------------|---------------------|
| CHECKS CURRENT FUND    | 2015 BUDGET         |             |                     |
|                        | 2016 BUDGET         |             | 90,694.74           |
|                        | GRANTS              |             | 14,952.13           |
|                        | PFRS                |             |                     |
|                        | PERS                |             |                     |
|                        | DEBT SERVICE        |             | 303,580.00          |
|                        | BOARD OF EDUCATION* |             | 1,216,013.00        |
|                        | CAMDEN COUNTY       |             | 579,968.45          |
| WIRE TRANSFERS PAYROLL | 7/22/16-8/5/16      |             | 140,630.50          |
| WIRES / MANUAL CHECKS  |                     |             | 50,222.40           |
| <b>TOTAL CURRENT</b>   |                     | <b>0.00</b> | <b>2,396,061.22</b> |

|   |                |      |                     |
|---|----------------|------|---------------------|
| <b>SEWER UTILITY</b>                            |                |      |                     |
| CHECKS SEWER FUND                               |                |      |                     |
|   | 2016 BUDGET    |      | 2,000.00            |
|   | DEBT SERVICE   |      |                     |
| WIRE TRANSFERS PAYROLL                          | 7/22/16-8/5/16 |      | 3,309.64            |
| WIRE NJEIT LOAN                                 |                |      |                     |
| WIRES /MANUAL CHECKS                            |                |      |                     |
| TOTAL SEWER                                     |                | 0.00 | 5,309.64            |
| <b>GENERAL CAPITAL FUND</b>                     |                |      |                     |
| CHECK CAPITAL FUND                              |                |      | 16,207.93           |
| MANUAL CHECK                                    |                |      | 9,400.00            |
| WIRE TRANSFERS PAYROLL                          | 7/22/16-8/5/16 |      | 33.52               |
| TOTAL CAPITAL                                   |                | 0.00 | 25,641.45           |
| <b>TRUST FUND</b>                               |                |      |                     |
| CHECK TRUST OTHER FUND                          |                |      | 6,492.72            |
| WIRE TRANSFERS PAYROLL                          | 7/22/16-8/5/16 |      | 16,463.08           |
| WIRES / MANUAL CHECKS                           |                |      | 17595.00            |
| TOTAL TRUST                                     |                | 0.00 | 22,955.80           |
| <b>SEWER CAPITAL FUND</b>                       |                |      |                     |
| CHECK SEWER CAPITAL                             |                |      | 6,995.00            |
| MANUAL CHECKS                                   |                |      |                     |
| WIRE TRANSFERS PAYROLL                          | 7/22/16-8/5/16 |      |                     |
| TOTAL SEWER CAPITAL                             |                | 0.00 | 6,995.00            |
| <b>ANIMAL TRUST FUND</b>                        |                |      |                     |
| ANIMAL TRUST CHECK                              |                |      | 701.20              |
| TOTAL ANIMAL TRUST                              |                | 0.00 | 701.20              |
| <b>TOTAL BILL LIST &amp; MANUAL CHECKS/WIRE</b> |                | 0.00 | 2,457,664.31        |
| GRAND<br>TOTAL                                  |                | \$   | <b>2,457,664.31</b> |

**ANNOUNCEMENTS**-40 years on the board at the Water Commission-Burt German

**ADJOURNMENT:** On the motion of Mr. Volkert and second of Mr. McLoone the meeting was adjourned at 8:24 P.M.

Denise Brouse, Borough Clerk