

MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE

PUBLIC AGENDA REGULAR MEETING

TUESDAY

July 3, 2018

4:30 p.m.

PRESENTATION – Effects of Sea Level Rise- Flooding – Lenore Tedesco

ORDINANCE 1522 – removal of Museum Handicapped parking space – 93<sup>rd</sup> Street 2<sup>nd</sup> 3<sup>rd</sup> and final (1) Kramar

ORDINANCE 1523 – Bicycle not on promenade - 2<sup>nd</sup> 3<sup>rd</sup> and final (2) Parzych

ORDINANCE – Plastic Bags INTRO (3) Lane

ORDINANCE – Lot Grading INTRO (4) Parzych

ORDINANCE – Bulkhead Heights INTRO (5) Parzych

ORDINANCE – Pool and Deck Heights INTRO (6) Krafczek

Resolution – Refund – Sailcraft Permit – Fries - Lyons (7) Gallagher

Resolution – Sale of Surf Rake to Borough of Cape May Point (8) Kramar

Resolution – Raffle – Stone Harbor Museum (9) Gallagher

Resolution – Shared Services – Court Administrator (10) Parzych

Resolution – Union League Club License – possible (11)

Motion – Brown Family Sandcastle (12) Gallagher

July 3

(11)

**BOROUGH OF STONE HARBOR**

**COUNTY OF CAPE MAY, NEW JERSEY**

**ORDINANCE NO. 1522**

**AN ORDINANCE AMENDING CHAPTER 520  
OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF STONE HARBOR 2005  
(REMOVING HANDICAPPED PARKING SPACE )**

**Section 1.** Chapter 520-29 (A) is hereby amended as follows:

[remove the following language to the schedule of handicapped parking spaces ]

<p>“Stone Harbor Museum” 235 – 93<sup>rd</sup> Street</p>	<p>1 space, south side, beginning at a point 182 feet West of South Westerly corner of Second Avenue and 93<sup>rd</sup> Street extending to a point 24 feet thereof.</p>
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**Section 2.** If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

**Section 3.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

**Section 4.** This Ordinance shall take effect immediately upon publication as provided by law.

APPROVED:

\_\_\_\_\_  
Judith M. Davies-Dunhour, Mayor

ATTEST:

\_\_\_\_\_  
Suzanne C. Stanford, Borough Clerk

(2)

July 3

**BOROUGH OF STONE HARBOR**  
**COUNTY OF CAPE MAY, NEW JERSEY**  
**ORDINANCE NO. 1523**

**AN ORDINANCE AMENDING CHAPTER 162**  
**OF THE REVISED GENERAL ORDINANCES**  
**OF THE BOROUGH OF STONE HARBOR**

**Section 1.** Chapter 162-9 C is hereby amended with the addition as follows:

“162-9 Operation on certain sidewalks and streets, within Skate Park, Recreation Support Building **and 80<sup>th</sup> street Promenade** restricted.

**D. No person shall operate a bicycle or propel himself by use of a skateboard, rollerskates, or any other means of conveyance at any time upon the surface of the area located at the Borough Promenade between 80<sup>th</sup> and 83<sup>rd</sup> street and First Avenue.**

**Section 2.** If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

**Section 3.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

**Section 4.** This Ordinance shall take effect 10 days after final passage and publication as provided by law.

APPROVED:

\_\_\_\_\_  
Judith M. Davies-Dunhour, Mayor

ATTEST:

\_\_\_\_\_  
Suzanne C. Stanford, Borough Clerk

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 466 SOLID WASTE; RECYCLING; DUMPING BY ADDING A NEW ARTICLE PERTAINING TO ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCT

WHEREAS the Borough of Stone Harbor, County of Cape May, State of New Jersey has a duty to protect its natural environment, its economy, and the health of its citizens; and

WHEREAS, the Borough Council of the Borough of Stone Harbor desires to eliminate the use of polystyrene/plastic foam and single-use plastic products and other non-locally recyclable and non-properly compostable food packaging in order to protect the marine life and wild life of its surrounding waterways, maximize the operating life of landfills and lessen the economic and environmental costs of managing waste; and

WHEREAS, to discourage and decrease the use of certain expanded polystyrene food service products, single use plastic carryout bags, and disposable food service ware, i.e. plastic straws in the Borough, it is necessary to regulate such use; and

WHEREAS, regulating and eventually prohibiting the use of polystyrene/plastic foam take-out food packaging and replacing it with food service ware that is locally recyclable or compostable, and, restricting the use of polystyrene/plastic foam products that are not wholly encapsulated or encased by a more durable material will further protect the Borough, its marine life and wild life, its residents and visitors, and will support the Borough's goal of reducing waste and litter for a cleaner environment for generations to come.

NOW THEREFORE, The Borough of Stone Harbor, duly assembled, hereby ordains that the Borough Code of Ordinances be amended by amending Chapter 466: Solid Waste; Recycling; Dumping and adding Article VI: PERTAINING TO ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCTS which shall read as follows:

**§ 19.01: DEFINITIONS**

Unless otherwise expressly stated, whenever used in this chapter the following terms shall have the meanings set forth below:

- (a) "ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for compostable plastics, as those standards may be amended.
- (b) "Business Establishment" means any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships,

corporations, or any other legal entity whether for profit or not for profit. This term is inclusive of any store or business which sells or offers goods or merchandise, located or operating within the Borough of Stone Harbor, including those referenced in "Food or Grocery Establishment," and "Food Provider."

- (c) "Compostable" means all the materials in the product or package, when composted in an industrial or municipal compost operation, will break down, or otherwise become part of, usable compost (e.g. soil-conditioning material, mulch) in a safe and timely manner. Compostable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic.
- (d) "Disposable Food Service Ware" is interchangeable with "to go" packaging and "food packaging material" and includes, but is not limited to: all containers, clamshells, bowls, plates, trays, cartons, cups, straws, stirrers, napkins and other items designed for one-time use associated with prepared foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by Food Providers.
- (e) "Events Promoter" means an applicant for any event permit issued by the Borough or any Borough employee(s) responsible for any Borough-organized event.
- (f) "Food or Grocery Establishment" means all sales outlets, stores, shops, vehicles or other places of business located within the Borough which operate to sell or convey foods, or beverages, which foods or beverages are predominantly contained, wrapped or held in or on packaging. Food establishment shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant, drive-in, convenience store, coffee shop, cafeteria, short-order cafe, delicatessen, luncheonette, grill, sandwich shop, soda fountain, hotel, motel, movie house, theatre, bed and breakfast inn, tavern, bar, cocktail lounge, nightclub, roadside stand, take-out prepared food place, industrial feeding establishment, catering kitchen, mobile food preparation unit, commissary, event, grocery store, public food market, produce stand, food stand, or similar place in or at which food or drink is prepared for sale, or for service, on the premises or elsewhere, and any other establishment or operation where food is processed, prepared, stored, served, sold, or provided for the public and any organization, group or individual which provides food as part of its service.
- (g) "Food Provider" means any vendor, business, organization, entity, group or individual, including food establishments, as defined herein, located in the Borough of Stone Harbor that offers food or beverage to the public.
- (h) "Person" means an individual, business, event promoter, trust, firm, joint stock company, Corporation, non-profit, including a government corporation, partnership, or association.

- (i) "Polystyrene/Plastic Foam" means blown expanded and extruded polystyrene (sometimes called Styrofoam™) or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons, coolers, ice chests, shipping boxes, packing peanuts, and beach or pool toys. The term "polystyrene also includes clear or solid polystyrene which is known as "oriented polystyrene."
- (j) "Prepared Food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the Borough of Stone Harbor. Prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.
- (k) "Polystyrene/plastic foam products" means any item such as coolers, ice chests, cups, bowls, plates, clamshells, shipping boxes, containers, cutlery, or any other merchandise containing polystyrene/plastic foam that is not wholly encapsulated or encased by a more durable material.
- (m) "Recyclable" means any material that is accepted by the Borough of Stone Harbor recycling program or the Cape May County recycling program, including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs. This also means any approved alternative products which are accepted by the County recycling centers.
- (n) "Reusable carryout bag" means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
- i. displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled;
  - ii. has a handle;
  - iii. is constructed out of any of the following materials:
    1. Cloth, other washable fabric, or other durable materials whether woven or non-woven; or
    2. Recyclable plastic, with a minimum thickness of 2.25 mils; and
    3. has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet.
- (o) "Single-Use Plastic Carryout Bag" means a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases, which is made predominantly of plastic derived from either petroleum or a biologically-based source.
- (p) "Borough of Stone Harbor Contractor" means any person or entity that has a contract with the Borough of Stone Harbor for work or improvement to be performed, for a franchise, Concession, for grant monies, goods and services, or supplies to be purchased at the expense of the Borough of Stone Harbor, or to be paid out of monies deposited in the Treasury or out of trust monies under the control or collected by the Borough of Stone Harbor.

- (q) "Borough of Stone Harbor facility" means any building, structure or vehicle owned and operated by the Borough of Stone Harbor, its agents, agencies, and departments.

**§ 19.02: SINGLE-USE CARRYOUT BAGS**

- a) No Business Establishment or Food or Grocery Establishment may provide Single-Use Plastic Carryout Bags at any Borough facility, Borough-sponsored event, or any event held on Borough property.
- b) No Business Establishment or Food or Grocery Establishment within the Borough limits may provide single use plastic bags to its customers.
- c) Any Business Establishment providing single use carry out bags shall use reusable bags or paper bags made from a minimum of 40% post-consumer recycled content.

**§ 19.03: POLYSTYRENE/PLASTIC FOAM DISPOSABLE FOOD SERVICE WARE**

- a) Food Providers within the Borough of Stone Harbor may not provide food in any disposable food service ware that contains polystyrene/plastic foam.
- b) Disposable food service ware that contains polystyrene/plastic foam is prohibited from use in all Borough of Stone Harbor facilities.
- c) Borough of Stone Harbor Contractors in the performance of Borough contracts and events promoters may not provide food in disposable food service ware that contains polystyrene/plastic foam.
- d)

**§ 19.04: DISPOSABLE FOOD SERVICE WARE**

- a) All Food or Grocery Establishments and Food Providers within the Borough of Stone Harbor utilizing disposable food service ware shall use recyclable or compostable products, subject to the provisions of §§ 19.06 and 19.07, with the exception of straws which cannot be made of plastic or compostable.
- b) All Food Providers may give straws, lids, cutlery, and to-go condiment packages upon request of the customer.
- c) All Borough of Stone Harbor facilities utilizing disposable food service ware shall use products that are recyclable or compostable with the exception of straws which cannot be made of plastic or compostable.
- d) Borough of Stone Harbor Contractors and events promoters utilizing disposable food

Service ware shall use recyclable or compostable product with the exception of straws which cannot be made of plastic or compostable while performing under a Borough of Stone Harbor contract or permit.

#### **§19.05: PROHIBITED SALES**

- a) No Business Establishment or event promoter within the Borough of Stone Harbor may sell, rent, or otherwise provide any polystyrene/plastic foam product which is not wholly encapsulated or encased within a more durable material, except as exempted in this Ordinance. This specifically includes, but is not limited to, cups, plates, bowls, clamshells, bags, and other products intended primarily for food service use, as well as coolers, containers, ice chests, shipping boxes, or packing peanuts.

#### **§19.06: EXEMPTIONS FOR RECYCLABLE OR PROPERLY COMPOSTED FOOD SERVICE WARE AND OTHER POLYSTYRENE/PLASTIC FOAM PRODUCTS**

- a) Products made from polystyrene/plastic foam which is wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples include surfboards, boats, life preservers, and craft supplies which are wholly encapsulated or encased by a more durable material, and durable coolers not principally composed of polystyrene/plastic foam.
- b) Construction products made from polystyrene/plastic foam are exempted from this ordinance if the products are used in compliance with Borough Code and used in a manner preventing the polystyrene/plastic foam from being released into the environment
- c) Emergency, Hospital, and Medical Supply and Services Procurement: In an emergency situation and for the immediate preservation of the public health or safety, Borough facilities, food vendors, Borough franchises, contractors and vendors doing business with the Borough shall be exempt from the provisions of this Chapter.
- d) Laundry dry cleaning bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste; although the Borough encourages the use of recyclable or compostable products throughout.
- e) Bags provided by physicians, dentists, pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- f) Bags used by a customer inside a business establishment to:
  - i. Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
  - ii. Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
  - iii. Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or
  - iv. Contain unwrapped prepared foods or bakery goods;



- g) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.
- h) Meat trays are exempt from the provisions of this Chapter.
- i) Any product purchased, prepared or packaged outside the Borough of Stone Harbor and sold in or delivered into the town are exempt from the provisions of this chapter.

#### **§19.07: REQUESTS FOR EXEMPTION.**

- a) The Public Works Committee may make a recommendation to Borough Council to exempt a Food or Grocery Establishment or Food Provider from the requirements set forth of this ordinance for up to a one-year period upon the Food Provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances.
- b) Exemptions to allow for the sale or provision of polystyrene/plastic foam products may be recommended by the Public Works Committee if the Food or Grocery Establishment or Food Provider can demonstrate in writing a public health and safety requirement or medical necessity to use the product.
- c) An exemption application shall include all information necessary for the Public Works Committee to make a recommendation to Borough Council, including but not limited to documentation showing factual support for the claimed exemption. The Public Works Committee and Borough Council may require the applicant to provide additional information.
- d) The Borough Council may approve the exemption application in whole or in part, with or without conditions.

#### **§19.08 ENFORCEMENT AND PENALTIES**

- a) The Police Department and Code Enforcement Officer have primary responsibility for enforcement of this chapter. The Police Department and Code Enforcement Officer are authorized to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any business establishment during business hours.
- b) If a Police Officer or Code Enforcement Officer determines that a violation of this chapter has occurred, he/she will issue a written warning notice to the owner or operator of the business establishment that a violation has occurred and the potential penalties that will apply for future violations.
- c) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall

be subject to a civil penalty that shall not exceed Two Hundred (\$200.00) Dollars for a first violation; Three Hundred Fifty (\$350.00) Dollars for a second violation within any twelve (12) month period; and Five Hundred (\$500.00) Dollars for each additional violation within any twelve (12) month period. Every thirty (30) days that a violation continues will constitute a separate offense.

- d) In addition to the penalties set forth in this section, repeated violations of this chapter by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No Borough business license shall be issued or renewed until all fines outstanding against the applicant for violations of this chapter are paid in full.
- e) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the Borough by restraining order, preliminary and permanent injunction, or other means provided for by law, and the Borough may take action to recover the costs of the nuisance abatement.

**§19.09: EFFECTIVE DATE AND WAIVERS**

All of the requirements set forth in this chapter shall take effect on January 1, 2019

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.

SIGNED, SEALED AND DELIVERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Judy Davies-Dunhour,  
Mayor Borough of  
Stone Harbor

Attest:

\_\_\_\_\_  
Suzanne  
Stanford  
Borough Clerk  
\_\_\_\_\_, 2018

Introduced: \_\_\_\_\_, 2018  
Final Reading: \_\_\_\_\_, 2018

(4)

BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

ORDINANCE NO. ,

AN ORDINANCE OF THE BOROUGH OF STONE HARBOR, COUNTY OF CAPE MAY, NEW JERSEY  
ESTABLISHING UNIFORM REGULATIONS FOR THE GRADING OF BUILDING LOTS WITHIN THE BOROUGH OF  
STONE HARBOR

BE IT ORDINATED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STONE HARBOR,  
COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

**Section 1a.** Section 560-62 is amended as follows:

§ 560-62 **Zoning permits.**

No zoning permit shall be issued with respect to any property for which the payment of real estate taxes is in arrears. A zoning permit shall be required prior to the erection, construction or alteration of any building or structure or portion thereof. Application for permits shall be made in duplicate to the Zoning Officer in writing by the owner of the premises or his authorized agent. Included with the application shall be two complete sets of plans, drawn to scale, showing the proposed structure or alteration and all existing structures on the lot, their relation to each other and to bounding streets, and the use or intended use of all buildings and land. Two additional sets of plans shall also be provided when the proposed change alters the site, lot conditions, or grading of the subject property. They shall be prepared by a licensed engineer or surveyor, showing all existing and proposed grading within 50 feet of the subject site and conforming to the requirements of §560-62. All lots shall be surveyed and marked out on the ground prior to the erection or construction of any building. Permits shall be granted or refused within 10 days of the date of application. Zoning permits shall terminate on the occurrence of any of the following events:

- A. If no building permit is issued in connection therewith within six months after issuance of the zoning permit.
- B. Upon the expiration or other termination of a building permit issued in connection therewith.
- C. Upon the enactment of any amendment to the Zoning Chapter which is inconsistent with the zoning permit in cases where no building permit has been issued in connection therewith.

**Section 1b.** Section 345-24 A. is amended as follows:

§ 345-24 **Fees.**

A. Fees for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment or any of the professionals so designated by the Boards or any of the professionals hired by the Borough for the purpose of covering technical, investigative and administrative expenses involved in processing the application shall be as follows:

[Amended 7-5-2005 by Ord. No. 1237; 2-19-2008 by Ord. No. 1302; 2-17-2009 by Ord. No. 1330; 6-2-2009 by Ord. No. 1339; 6-4-2013 by Ord. No. 1424; 6-20-2017 by Ord. No. 1500; 9-5-2017 by Ord. No. 1503]

<b>Category</b>	<b>Application Fee</b>	<b>Escrow Fee</b>
Subdivision, minor	\$550	\$1,000 per lot
Subdivision, major	\$550	\$1,000 per lot
Site plan, major (preliminary)	\$550	\$2,000
Site plan, major (final)	\$550	\$2,000
Informal review	\$550	\$1,000
Variances	\$550 per variance	\$500 if no site plan required; \$2,000 if site plan required
Request for extension of time	\$100	
Subdivision or site plan amendments	50% of original fees	
Zoning permit	0.0035 of project cost (but not less than \$100)	<b>\$350</b>
Certified list of property owners	\$10	
Tax Map changes resulting from subdivisions and other applications creating new lots	\$300	
Copy of minutes, proceedings and Notice of decision	Refer to Chapter 92, Article I, of the Borough of Stone Harbor Code	

**Section 1c.** Section 560-\_\_ is added to the code as follows:

§ 560-\_\_ **Lot Grading.**

All lots, open spaces, and grading areas shall be graded to secure proper drainage and to prevent the collection of storm water. Topsoil shall be provided and/or redistributed on the surface as cover and shall be stabilized by seeding or planting. Grading plans shall have been submitted with all zoning permit applications, where applicable, for review and approval by the Borough's engineer. The plan shall conform to the following requirements:

A. Wherever possible, the land shall be graded to maintain all existing drainage paths while directing storm water to the street. If impossible to drain to the street, it shall be directed to an existing drainage path or interior yard collection system designed in accordance with this chapter. Storm

water will not be permitted to run directly onto an adjacent property unless an existing drainage path is present.

- B. The minimum slope for lawns and disturbed areas shall be 1 ½% and for smooth, hard-finished surfaces shall be 4/10 of 1%.
- C. The maximum grade for lawns and disturbed areas within five feet of a building shall be 10%, and for lawns and disturbed areas more than five feet from a building, 25%; except that, for the driveway the maximum grade shall be 15%.
- D. Retaining walls installed in slope-controlled areas shall be constructed of heavy pressure treated timber or logs, reinforced concrete or other reinforced masonry, or of another construction acceptable to the Borough Engineer and shall be adequately designed by a New Jersey licensed PE and detailed in the plan to carry all earth pressures, including any surcharges. The heights of retaining walls shall not exceed 1/3 of the horizontal distance from the foundation wall of any building to the face of the retaining wall.
- E. All new or substantially improved construction within the Residential A, Residential B, or Residential C districts will be required to furnish and install an underground storm water recharge system to limit the amount of runoff generated by the construction. The system shall conform to the following requirements:
  - (1) The applicant shall install five linear feet of underground storage (Detail S-1) for every five-hundred square feet of impervious coverage or provide and install a system equivalent to the recommended design as approved by the borough's engineer.
  - (2) The system shall be designed to collect storm water runoff from the roof leaders or an equivalent amount of runoff through inlets or yard drains.
  - (3) The system will be designed to convey the excess storm water to the street.
- F. The applicants shall not be permitted to raise the existing grade along property lines where there is no cause for doing so. The applicant will be permitted to do so should a problem exist that could be remedied by raising the existing grade without causing additional harm to adjacent property owners or along bay front lots where redirecting storm water, rising bulkheads, and water proofing will benefit from the increased grade.

**Section 1d.** Section 560-33 E. is amended as follows:

- E. Proof of compliance with height restrictions required during construction. At specific intervals during the construction of all new construction and/or the renovation/alteration of any structure where such renovation/alteration may potentially change the height of the structure, a site survey prepared by a New Jersey Professional Land Surveyor shall be provided to the Zoning Officer for review and approval as follows:
  - (1) Upon completion of the foundation, a survey indicating the elevation to the top of the block, top of the freeboard and finished grade in relation to the top-of-curb height applicable to the property. In addition, all setbacks from property lines shall be indicated.

- (2) Upon completion of the roof framing and sheathing, a survey of the elevation to the highest peak of the roof from the top of the block, top of the freeboard and finished grade in relation to the top-of-curb height applicable to the property. In addition, all setbacks from the property line shall be indicated. This shall include the height and location of any accessory structures on the lot. No framing inspection shall be performed on the property unless and until this provision is complied with.
- (3) Upon application for the final certificate of occupancy, a survey showing the elevation to the highest roof peak from the top of the block, top of the freeboard and finished grade in relation to the top-of-curb height applicable to the property. In addition, the height and location of all structures on the lot, both in size and setbacks from the property lines. ~~Grades throughout the property shall also be shown to indicate conformance with the approved grading plan. The survey shall also indicate all impervious surfaces along with any underground storage provided in conformance with the code.~~ shall be indicated.

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

**Section 3.** This ordinance shall take effect after final adoption and publication as required by law.

APPROVED:

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Judith Davies-Dunhour, Mayor

ATTEST:

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Suzanne C. Stanford, Borough Clerk

(5)

BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

ORDINANCE NO. ,

AN ORDINANCE OF THE BOROUGH OF STONE HARBOR, COUNTY OF CAPE MAY, NEW JERSEY  
ESTABLISHING UNIFORM REGULATIONS FOR CONSTRUCTION AND REPAIR OF BULKHEADS

BE IT ORDINANCE BY THE BOROUGH COUNCIL OF THE BOROUGH OF STONE HARBOR, COUNTY  
OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

**SECTION 1. Purpose.**

It is the purpose and intent of this chapter to establish uniform regulations for the construction, reconstruction, renovation or repair of existing or new bulkheads within the BOROUGH OF STONE HARBOR.

**Compliance.**

All bulkheads that are newly constructed, reconstructed, replaced, renovated and repaired shall be done in accordance with the requirements of this Chapter.

Additionally, any property owner that demolishes an existing building or proposes to make a "substantial improvement" to an existing building, shall be required to bring the existing bulkhead into compliance with this Chapter. "Substantial improvement" means and reconstruction, rehabilitation, addition or other improvement to a structure, the total cost of which equals or exceeds 40 percent of the market value of the structure before the start of construction of the improvement.

**Permits.**

- A. Permit required. No person or legal entity shall construct, reconstruct, renovate or repair any bulkhead within the BOROUGH OF STONE HARBOR without first obtaining and having in possession a valid permit to do such work that has been issued by the office of the Construction Code Official upon approval of the Borough Engineer.
- B. Permit Application.
  - (1) Applications for bulkhead permits shall be made on an application form obtained from the Construction Code Official. Completed applications shall be returned to the Construction Code Official with the required fee along with the following items in quadruplicate:
    - a. Plans and specifications of the bulkhead that have been prepared, signed and sealed by a New Jersey licensed professional engineer.
    - b. A property survey, prepared, signed and sealed by a New Jersey licensed professional land surveyor.



- c. Authorization for the New Jersey Department of Environmental Protection and any other state or federal agency having jurisdiction over the property affected by the proposed work.
  - d. Proof of Notice of application to adjoining property owners.
- (2) The Borough Engineer may relax or waive any or all of the requirements that are set forth above within the application for a permit pertains to reconstruction, renovation or repair work for which the cost of completion is less than \$5,000; however, in relaxing or waiving any such requirements, the Borough Engineer shall have the authority to require the submission of such plans, drawings and contract documents as the Engineer, in his sole and absolute discretion, determines will accurately depict the reconstruction, renovations or repair work to be performed.
- (3) The Borough Engineer shall review the application and plans and grant or deny the application within 20 business days upon receipt of a complete application.
- C. Notice of application.
- (1) Notice of application for a bulkhead permit, the form of which is to be obtained from the Construction Code Official, shall be given by the applicant to the owners of all real property, as shown on the current tax duplicate, within 100 feet and whose property is adjacent to the same or similar tidal waters as is the applicant's property; provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it; or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by mailing a copy thereof by regular, first class mail and by certified mail to the property owner at his address as shown on the said current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association because of its ownership of common elements or areas located within 100 feet of the property which is the subject of the bulkhead application may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.
- (2) Upon written request of an applicant, the Tax Assessor, within seven days, shall make and certify a list from said current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to this section. A sum not to exceed \$.25 per name or \$10, whichever is greater, may be charged for preparation of such list. The Tax Assessor shall also verify the certified mailing costs.
- D. Permit issuance. Upon receipt by the Construction Code Official of an application for a bulkhead permit, the Construction Code Official immediately shall transmit copies of the application and all accompanying documents to the Borough Engineer for review. No permit shall be issued by the Construction Code Official unless the permit is approved for issuance by the Borough Engineer. In the event that, upon review of the permit application, deficiencies are noted by the Borough Engineer the Construction Code Official shall be informed of the nature of the deficiencies and the Construction Code Official shall provide written notice, by regular first class

mail, of the deficiencies to the applicant at the address set forth on the application and the applicant then shall be afforded the opportunity to correct any application deficiencies.

- E. Permit fee. The permit fee shall be calculated in the following manner:
- (1) For new construction: \$100.00 for the first 50 feet of bulkhead to be constructed, and thereafter, \$15.00 per foot or any portion thereof.
  - (2) For renovation, reconstruction and repairs: \$100.00 for the first 50 feet of bulkhead to be constructed, and thereafter, \$15.00 per foot or any portion thereof.
- F. Inspection fee Escrow. The inspection fee shall be 5% of the estimated project cost (as determined by the Borough Engineer) or \$500.00, whichever is greater. However, said inspection fee escrow shall not be charged if the bulkhead project is part of a Zoning or Planning Board approval for which an escrow is already required.
- G. Appeal of permit denial. Any applicant aggrieved by the denial of a bulkhead permit may appeal the permit denial to Borough Council by submitting to the Construction Code Official written correspondence appealing the permit denial. Such written appeal correspondence briefly shall describe the reason for the appeal. Such written appeal correspondence shall be submitted to the Construction Code Official within 20 days of the permit denial. Upon receipt of the appeal correspondence, the Construction Code Official shall transmit to Borough Council copies of the permit application, all attachments thereto and any copies of any documents that have been generated by the Borough Engineer in connection with review of the permit application. Thereafter, the Construction Code Official shall schedule a date for the hearing of the appeal, and notice of the hearing date shall be provided to the permit applicant. In all instances the Construction Code Official shall endeavor to schedule the appeal hearing date not later than 30 days after receipt of the appeal correspondence. The hearing of the appeal shall be conducted by the Borough Council at a public meeting. The applicant shall be permitted to produce evidence to Borough Council in support of the permit application. Borough Council may consider evidence presented to it by the Borough Engineer or any other individual that Borough Council deems to have relevant information. The decision of Borough Council to approve or deny the permit application shall be through adoption of a formal resolution.

**Notification of commencement of construction; inspections.**

- A. The permittee shall provide to the Borough Engineer and to the Borough Zoning Officer notice of commencement of construction not less than two business days in advance of said commencement of construction. Not less than 14 days in advance of commencement of construction, the permittee shall provide notice of commencement of construction, on a form to be obtained from the Construction Code Official, to all property owners to whom the permittee would be required to provide notice of bulkhead permit application if the permittee were, at the time, making application for a bulkhead permit. Such notice shall be given in the same manner as is required for notices of permit application.
- B. The Borough Engineer shall inspect the materials delivered to the job and verify that they are in conformance with the permit issued for that work, in size, quantity and quality. If such materials do not conform to permit requirements, they shall be marked as "rejected" and

removed from the job site by the permittee and shall not be incorporated into the bulkhead construction.

- C. The Borough Engineer shall make periodic visits to the job site to verify that the work is proceeding in accordance with permit requirements.

**Final Inspection.**

Prior to the backfilling of any bulkhead construction, reconstruction, renovation or repair, the Borough Engineer shall perform an inspection to ascertain that the bulkhead has been built pursuant to the plans that were submitted with the permit application. Written notice of project completion shall be given to the Borough Engineer and to the Borough Zoning Official within seven business days of substantial completion of the project, but prior to backfilling, and that written notification shall be accompanied by a certification from a licensed engineer or land surveyor of the elevations of the completed bulkhead height. If the Borough Engineer determines that the work that was performed pursuant to the bulkhead permit and the subject bulkhead fail to comply with the plans, drawings or documents that were submitted with the permit application or fail to comply with the provisions of this chapter, then written notice of final inspection failure shall be transmitted by the Borough Engineer by regular first class mail to the permittee at the address set forth on the permit application. The notice of final inspection failure shall detail the reasons for inspection failure. Permittees shall correct all deficiencies that resulted in final inspection failure within 20 days of the date of the written notice of final inspection failure. If, upon the expiration of those 20 days, the bulkhead is not approved upon inspection by the Borough Engineer then the permittee is deemed to be in violation of the duty to maintain and repair the subject bulkhead as established by this chapter.

**Bulkhead Specification.**

All bulkheads constructed, reconstructed renovated or repaired within the BOROUGH OF STONE HARBOR shall conform to the following minimum specifications:

- A. All new bulkheads shall be designed by a New Jersey licensed professional engineer.
- B. All piles shall have a butt diameter of not less than 12 inches and a tip diameter of eight inches.
- C. All piles will be Douglas Fir or Southern Yellow Pine and shall be treated with an acceptable preservative for marine construction according to the latest American Wood Preservers' Association (A.W.P.A.) specifications.
- D. Sheet piles shall be wood, steel or vinyl. Wales shall be Douglas Fir or Southern Yellow Pine. Wood sheet piles shall be a minimum of two inches thick. Wood sheet piles shall be constructed in two rows with staggered joints. All timber materials shall be treated with an acceptable preservative designed for use in a salt-water environment.
- E. All components of the bulkhead system up to the minimum required elevation shall be constructed to be watertight. Watertight may include backfilling up against the landward side of the bulkhead, water stop sealants for steel and PVC sheet piles, continuous and solid landward capping and any other methods approved by the Borough Engineer.
- F. All hardware shall be hot-dipped galvanized steel in accordance with latest standards for salt-water applications.
- G. All outfall piping shall be fitted with a tide-control device that is approved by the Borough Engineer.

- H. The means and methods for outfall piping extensions that are required to accommodate the new bulkhead shall be approved by the Borough Engineer.
- I. Bulkhead construction, reconstruction, renovation or repair shall not adversely affect adjoining property.
- J. All existing utilities shall be protected from damage during any work performed pursuant to a bulkhead permit. The bulkhead permittee shall be responsible for obtaining current "utility markout" from all appropriate state and local agencies prior to commencement of work.
- K. Deviations from construction materials set forth herein are allowed so long as all specifications and technical data concerning the proposed construction material are submitted to the Borough and are approved in writing by the Borough Engineer. The use of any construction material that is not specifically set forth above or approved by the Borough Engineer is strictly prohibited.
- L. All design materials herein shall be subject to the requirements of the NJDEP and USACOE.

**Height of Bulkheads.**

The top elevation of any bulkhead to be constructed or reconstructed shall be set at a minimum elevation of 8.00 feet NAVD 1988.

**Maintenance: duty to repair.**

All bulkheads within the BOROUGH OF STONE HARBOR shall be maintained in such a condition so that they shall pose no danger to the health, safety or welfare of the residents of the BOROUGH OF STONE HARBOR or to public or private property within the BOROUGH OF STONE HARBOR. Bulkheads shall be kept in a state of repair so as to prevent erosion or damage to abutting, adjacent or adjoining properties. Whenever a bulkhead has deteriorated or suffered damage to such a degree that a danger to the property or adjoining properties is present, the Borough Engineer or Zoning Official or Code Enforcement Officer shall notify the property owner, in writing, by regular first class mail to the address that is set forth on the Borough's tax records, of the nature of the deterioration or damage and require the owner to make the necessary repairs. When notified by the Borough Engineering Inspector of a deteriorated bulkhead, a property owner shall submit a plan of corrective action to the Borough no later than 30 days from the receipt of this notice. Upon approval of the plan of corrective action by the Borough Bulkhead Engineer, the property owner shall complete all necessary repairs within 120 days. If permits are required from state or federal government agencies, such permits shall be immediately applied for upon receipt of Borough approval. Upon issuance of the bulkhead permit and approval of the plan of corrective action, the property owner immediately shall complete all necessary repairs. In the event that the property owner fails to submit a corrective action plan, fails to obtain a bulkhead permit to implement the corrective action plan or fails to implement the corrective action plan, the property owner shall be subject to the penalties set forth herein.

**Existing non-conforming bulkheads.**

Every bulkhead within the Borough of Stone Harbor shall be constructed to a minimum elevation of 8.00 feet NAVD 1988 no later than January 2050.

**Violations and Penalties.**

Any person violating any provision of this chapter, upon conviction thereof, shall be punished by a fine not exceeding \$1,250 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.

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

Section 3. This ordinance shall take effect after final adoption and publication as required by law.

(6)

**BOROUGH OF STONE HARBOR  
CAPE MAY COUNTY, NEW JERSEY**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 560 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF STONE HARBOR  
REGULATING POOLS ON BAYFRONT PROPERTIES**

WHEREAS, Section 560-38(B) the Zoning Ordinance (the "Ordinance") of the Borough of Stone Harbor (the "Borough") currently prohibits the erection of structures within ten feet of the established bulkhead line on bayfront properties in the Borough; and

WHEREAS, the Borough's prohibition on the erection of structures within ten feet of the established bulkhead line is subject to several exceptions that include an exception which permits the construction of uncovered open decks between the main building and the bulkhead, provided that the height of any such deck does not exceed 8.7 feet NAVD 88; and

WHEREAS, the Stone Harbor Planning Board (the "Board") has determined that Private Residential Swimming Pools, as defined in Section 560-43 and amended hereby, may be constructed within ten feet of the established bulkhead line regardless of the location of the established bulkhead line without impairing the views of any properties or otherwise negatively impacting open space light or air, provided that such pools are at least five feet from the bulkhead and are limited in height to 8.7 feet NAVD 88; and

WHEREAS, the Board has recommended revisions to the Zoning Ordinance as set forth below and has determined that the implementation of those revisions is consistent with the Master Plan and will promote the general welfare of the Borough and its residents; and

WHEREAS, the Borough Council desires to adopt and implement the recommendations of the Board, as set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, Cape May County, New Jersey, as follows (inserted text is underlined, deleted text is ~~stricken~~):

**Section 1.** Section 560-38(B) is amended as follows:

Bulkhead setback (bay waters and lagoons). On properties contiguous to back bay waters and lagoons, no building or other structure shall be located or erected within 10 feet of the established bulkhead line, except that (1) an uncovered open deck, with or without hand railings, may be

located or constructed between the main building and the bulkhead to a maximum of ~~8.7 feet NAVD 88~~; (2) a Private Residential Swimming Pool may be located or constructed between the main building and a point ~~which is five (5) feet inland of the bulkhead to a maximum of 8.7 feet NAVD 88~~; and (2)(3) a landing measuring four feet or less in width and four feet or less in depth may be constructed at or below the height of the lowest finished floor of the principal structure along with stairs from said landing to a deck permitted under Subsection B(1) above, provided that (a) such landing and stairs are constructed for the purpose of gaining access to the principal structure, and (b) no such landing or stairs may be constructed in any side yard or within six feet of the established bulkhead line.

**Section 2.** The definition of a “Sunken Pool” in Section 560-43 is amended as follows:

SUNKEN POOL – Any swimming pool having more than 25 square feet of water surface and (i) protruding above the average natural grade not more than eight inches; or (ii) in the case of pools adjacent to bay waters and lagoons, having a height not to exceed 8.7 feet NAVD 88.

**Section 3.** If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

**Section 4.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

**Section 5.** This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

APPROVED:

\_\_\_\_\_  
Judith Davies-Dunhour, Mayor

ATTEST:

\_\_\_\_\_  
Suzanne C. Stanford, Borough Clerk

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

(1)

**RESOLUTION**

**AUTHORIZING THE REFUND OF SAILCRAFT PERMITS**

**WHEREAS**, Donald Fries was issued Sailcraft Permit No. 15; and

**WHEREAS**, Donald Fries has rented a spot in Sea Isle City and has requested a refund (copy attached) of his \$250.00 Sailcraft Permit fee; and

**WHEREAS**, Patricia Lyons was issued Sailcraft Permit Nos. 26 and 36; and

**WHEREAS**, she has decided that the new arrangements for the beach will not work for her family and has requested a refund (copy attached) of her \$500.00 Sailcraft fees.

**NOW, THEREFORE, BE IT RESOLVED** on this 3<sup>rd</sup> day of July, 2018 by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey as follows:

- 1. That the Borough of Stone Harbor hereby authorizes the refund of

\$250.00 to Donald Fries  
19 Pelham Road  
Marlton, N.J. 08053

\$500 to Patricia Lyons  
24 Woodlane Drive  
Moorestown, N.J. 08057

Offered by ..... Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2018

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2018

.....  
Mayor



(8)

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

## RESOLUTION

### AUTHORIZING THE SALE OF A 2010 HD 600 BARBER SURF RAKE TO BOROUGH OF CAPE MAY POINT

WHEREAS, there exists a need for a Surf Rake in the Borough of Cape May Point, in the County of Cape May, State of New Jersey; and

WHEREAS, the Borough of Stone Harbor is in possession of a surplus 2010 HD 600 Barber Surf Rake bearing VIN# 1FDKE30F95HA66515. This Surf Rake would satisfy the current need of the Borough of Cape May Point; and

WHEREAS, the Borough of Cape May Point wishes to purchase said Surf Rake for the total amount of \$ 7,000.00 and funds are available to the Borough of Cape May Point for such purchase; and

WHEREAS, N.J.S.A. 40A:11-5(2) allows for such contracts between municipalities without competitive bidding; and

WHEREAS, the CFO, after consultation with the Public Works Committee of the Borough Council, has determined that this sale can take place at this time without negatively impacting services to the citizens of the Borough of Stone Harbor.

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), requires that the resolution authorizing the award of contracts for such services without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey on this 3<sup>rd</sup> day of July, 2018 as follows:

1. That the Borough of Stone Harbor hereby agrees to sell to the Borough of Cape May Point, a Surf Rake, VIN# 1FDKE30F95HA66515, in consideration hereunder of the payment of \$ 7,000.00 (seven thousand dollars), together with the execution and transfer of any applicable documentation.
2. The Mayor and Clerk are hereby authorized and directed to execute this resolution as the contract for sale of the aforementioned vehicle to the Borough of Cape May Point.
3. This contract is awarded without competitive bidding under the provisions of 40A:11-5(2) of the Local Public Contracts Law because the contract is with the Borough of Cape May Point, a sister municipality.
4. A notice of this action shall be printed in accordance with law.

Attest:

For the Borough of Stone Harbor

\_\_\_\_\_  
Suzanne Stanford, Clerk  
Borough of Stone Harbor

\_\_\_\_\_  
Judith M. Davies-Dunhour, Mayor  
Borough of Stone Harbor

For the Borough of Cape May Point

\_\_\_\_\_  
Clerk, Borough of Cape May Point

\_\_\_\_\_  
Robert J. Moffatt, Mayor  
Borough of Cape May Point

Offered by ..... Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2018

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2018

.....  
Mayor

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

(9)

**RESOLUTION**

**WHEREAS**, the Stone Harbor Museum Inc. made application on June 27, 2018 for a Raffle License; and

**WHEREAS**, it is the desire of the Borough Council of the Borough of Stone Harbor to issue a Certificate of Approval to Stone Harbor Museum Inc. for holding of said Raffle, the prize being a handmade wooden shadow box containing a collection of Stone Harbor Beach Tags, said drawing to be held November 24, 2018 at 7:30 pm;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, State of New Jersey this 3<sup>rd</sup> day of July, 2018, as follows:

1. That the Borough Council issue to the Stone Harbor Museum Inc. a Certificate of Findings and Determination to be signed by the proper officer of said Borough Council made by said Stone Harbor Museum Inc.; and

2. That the Municipal Clerk of the Borough of Stone Harbor be, and she is hereby authorized, empowered and directed to cause the proper Raffle License to be issued to the Stone Harbor Museum Inc., 9410 Second Avenue, Stone Harbor, N.J. 08247 in accordance with the application made therefor.

Offered by ..... Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2018

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2018

.....  
Mayor

(10)

**AGREEMENT FOR CONTINUATION OF SHARED MUNICIPAL COURT ADMINISTRATOR FOR THE MUNICIPALITIES OF THE BOROUGH OF STONE HARBOR AND THE BOROUGH OF AVALON.**

**THIS AGREEMENT** is made this 3<sup>rd</sup> day of July, 2018

**BY AND BETWEEN the BOROUGH OF STONE HARBOR**, a Municipality duly formed, organized and existing in accordance with the laws of the State of New Jersey, located in the County of Cape May, with municipal offices located at 9508 Second Avenue, Stone harbor, New Jersey 08247 (hereinafter "Stone Harbor") and the **BOROUGH OF AVALON**, a Municipality duly formed, organized and existing in accordance with the laws of the State of New Jersey, located in the County of Cape May, with municipal offices located at 3100 Dune Drive, Avalon, New Jersey 08202 (hereinafter "Avalon").

**WHEREAS**, the "Uniformed Shared Services and Consolidation Act", N.J.S.A. 40A:65-1, et seq. (the "Act"), authorizes local units of the State of New Jersey to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, N.J.S.A. 28:12-1(c) allows two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court.

**WHEREAS**, Stone Harbor and Avalon desire to share Municipal Court Administrators, in accordance with N.J.S.A. 28:12-1(c), in order to conserve resources and to provide for a more efficient and more economically sound municipal court system; while each municipality maintains its own Municipal Courtroom and court offices and maintains its right to appoint their own judge, prosecutor, and public defender; and

**WHEREAS**, Stone Harbor and Avalon find that it would be in the best interest of both municipalities to share Court Administrators, under the terms and conditions referenced herein.

**NOW, THEREFORE**, with the foregoing recital paragraphs incorporated herein by this reference and in consideration of the mutual covenants contained herein, the Municipalities hereto, intending to be legally bound, hereby agree as follow:

1. Provision of Staff.
  - a. Certified Court Administrator. Upon execution of the Agreement, the certified court administrator for Stone Harbor will serve as the certified court administrator for Stone Harbor and Avalon, and shall retain any and all tenure rights accrued from Stone Harbor. Any subsequent appointments of an administrator shall be in conformance with N.J.S.A. 2B:12-10, et seq. and N.J.S.A. 28:12-11, et seq. The Administrator's duties shall include, but not be limited to:
    - i. Carrying out the rules, regulations, policies and procedures relating to the operation of the Courts, inclusive of the supervision of the Deputy Municipal Court Administrators for each Municipality.
    - ii. Interviewing and speaking to persons wishing to file criminal or quasi-criminal complaints or wishing information in that regard; receiving complaints and dispensing information relating to court matters.
    - iii. Maintaining the financial records of the Courts, including overseeing the receipt and accounting for fines and costs.
    - iv. Attending court session in Stone Harbor and Avalon, recording pleas, judgments and dispositions; arranging trial calendars; signing court

documents; preparing and issuing warrants and commitments and other court related documents.

- v. Maintaining and classifying records and files of the Courts.
  - vi. Maintaining, forwarding, receiving and reporting such records, reports and files as required by appropriate agencies.
  - vii. Consulting and meeting with the AOC on an "as needed" basis and making daily decisions regarding the closing of the Courts, personnel coverage for the Courts and work assignments/scheduling of Court personnel.
  - viii. Carrying out such additional duties as may be required in order to fulfill the duties of the Court Administrator, including, without limitation, those duties falling within the parameters of N.J.S.A. 28-12-13.
  - ix. The Certified Court Administrator will work two and a half days in Stone Harbor and two and a half days in Avalon or at such times as mutually agreed to by the parties.
2. Location. Stone Harbor and Avalon will each maintain their own Court Facilities and the Court sessions will be held in their respective facilities. The Municipal Court Administrator will "float" between the two facilities as provided herein and as may be needed.
  3. Insurance. Stone Harbor and Avalon are both insured through the Municipal Joint Insurance Fund. Each Municipality agrees to indemnify and hold the other harmless from any and all claims and for any liability whatsoever arising from the use of its own facilities or occurring on its own premises. Stone Harbor and Avalon shall each maintain workers compensation insurance to cover the employees on their respective payrolls.
  4. Withdrawal. Except for the calendar year during which this Agreement is executed and becomes effective, either member of the shared service may withdraw from this agreement at the end of a calendar year, provided, however, that on or before one hundred and twenty (120) days next preceding the end of the calendar year the withdrawing member has given the other member's Municipal Clerk written notice of its intention to withdraw. The withdrawing member shall remain responsible for its share (based upon the budgets and agreements then in effect) of all shared Court expenses through the date of the withdrawing member's actual termination.
  5. Effective Date: Length of Agreement.
    - a. A condition pursuant to this Agreement becoming effective is the adoption by each participating Municipality of a Resolution authorizing a shared Municipal Court Administrator and authorizing the Mayor to sign the Agreement. Once the Resolutions have been adopted then the effective date of this Agreement shall be August 1, 2018. Each of the aforementioned Resolutions shall identify and incorporate this Agreement by reference and a copy of the Agreement shall be filed with each Municipality's Municipal Clerk and shall be open to public inspection in each Municipality.
    - b. **The term of this Agreement shall end on July 31, 2021** subject to the right of withdrawal of either participating Municipality as set forth in Paragraph 4 above. Upon expiration of this agreement, the Courts shall continue operating pursuant to the terms of this Agreement until such time as a new Agreement has been ratified by the participating Municipalities.
  6. Consideration.
    - a. ~~Avalon shall pay Stone Harbor the sum of \_\_\_\_\_ annually which covers August 1, 2018 through July 31, 2021.~~
    - b. For the remaining years(s) of the Agreement, the yearly cost of services shall be increased based on 50% of salary and benefits costs plus an administrative fee not

to exceed 1.5%. The Borough of Stone Harbor will submit no later than January 10<sup>th</sup> of each year the projected costs for each subsequent year.

7. Miscellaneous.

- a. This Agreement contains the entire and only Agreement between the participating Municipalities and no oral statements, representations or prior writing not contained in the Agreement shall have any force or effect. This Agreement shall not be modified in any way or terminated except by a writing approved and executed by both participating Municipalities.
- b. The interpretation and validity of this Agreement shall be governed by the laws of the State of New Jersey.
- c. If any term or provision of this Agreement or the application thereof to any participating Municipality or circumstances, to any extent, shall be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
- d. This Agreement may be signed in one or more duplicate original counterparts, each of which shall be an original but all of which together shall constitute one and the same Agreement.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be signed by their respective Mayors and their Municipal seals affixed hereto and attested by their respective Clerks the day and year first above written.

ATTEST:

BOROUGH OF STONE HARBOR

\_\_\_\_\_

BY: \_\_\_\_\_

BOROUGH OF AVALON

\_\_\_\_\_

BY: \_\_\_\_\_

(12)

Date of Application 6/13/18



### Borough of Stone Harbor 2018 Special Events Application

Name of Event: The Brown Family Sandcastle  
Date of Event: 7/31/18 Time of Event: 10 AM - 6 PM  
Type of Event:  Festival  1K / 5K / Athletic / Bike Race / Marathon  Other SANDCASTLE

The Borough of Stone Harbor requires all organizations, corporations, and/or individuals planning to stage an event to file an official application with the Clerk's Office. No Person shall conduct a special event on public lands owned or leased by the Borough of Stone Harbor unless authorized to do so by the Borough of Stone Harbor Municipal Code: Chapter 275. A non-refundable application review fee shall be paid to the Borough Clerk when the application is filed. There shall be a fee charged to each organization operating a special event. A contract will then be executed stating the terms and conditions in which both parties will adhere to. Sanction of the event is contingent upon approval from the Borough and its officials. Special events sponsored solely by the Borough of Stone Harbor are exempt from the payment of the fee for special event permit. Such special events shall be governed by applicable Borough policies. Borough Council retain the discretion to waive any provision of this chapter where deemed appropriate in the sole discretion of the Borough Council.

#### APPLICATION REVIEW FEES

- \$50 if filed prior to 60 Days of event
- \$75 if filed prior to 30 Days of event
- \$125 if filed prior to 15 Days of event

Organization is responsible for the non-refundable application review fee. If organization paid the non-refundable deposit with their *Letter of Commitment*, it will be reflected in the event contract following Borough Council approval. Additional event and public land fees may apply. You will be notified of any applicable fees following the review of your application.

#### 2018 EVENT FEES

5k: .....\$150 (0-250 Participants) 10k or Triathlons .....\$500  
(Designated Route Only) \$250 (250-500 Participants)  
\$500 (500 Participants or More)

Event Fees.....\$250 Per Day (1000 Participants and Under) / \$500 Per Day (1000 Participants and Over)

Seasonal use of facilities by Local Schools .....\$1500 per season / \$750 per season for each additional sport  
(No Application Review Fee is required)

Use of 80th St. Fields .....\$250 per day (Before Friday of Memorial Day and after Labor Day)

Use of 80th St. Fields .....\$500 per day (first two days) / \$250 per each additional day (Memorial Weekend-Labor Day Weekend)

Use of Recreation Support Building (82<sup>nd</sup> & Second Avenue).....\$300