

MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE

PUBLIC AGENDA REGULAR MEETING

TUESDAY

August 7, 2018

4:30 p.m.

HEARING – Mohammed Kaddus – Jitney License Hearing

ORDINANCE 1524 – Plastic Bags 2<sup>nd</sup> 3<sup>rd</sup> and final (1) Lane

ORDINANCE 1525 – Bulkhead Heights 2<sup>nd</sup> 3<sup>rd</sup> and final (2) Parzych

ORDINANCE 1526 - Pools on Bayfront 2<sup>nd</sup> 3<sup>rd</sup> and final (3) Krafczek

Resolution – Appoint Judge for Municipal Court (4) Parzych

Resolution – Grace Period Taxes (5) Lane

Resolution – Chapter 159 Tourism Grant (6) Gallagher

Resolution – Change Order – Police Building (7) Parzych

Resolution – Refund – Verizon Tax Overpayment (8) Rich

Resolution – Purchase Furniture – Police Building – State Contract (9)

Parzych

Resolution – Refund Hobie Cat Space 35 (10) Krafczek

Resolution – Refund Recreation Fees (11) Rich

Motion – New Fireman (12) Parzych

Motion – Festival of Lights (13) Gallagher

Resolution - Closed Session (14) Kramar

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BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY, NEW JERSEY  
ORDINANCE NO. 1524

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 June 1, 2019.

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

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(2)

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

ORDINANCE NO. 1525,

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: \$ 250.00 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: \$ 250.00 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 receipts 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.

APPROVED:

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

ATTEST:

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

(3)

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

**ORDINANCE NO. 1526**

**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 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 :

**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 (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 8.7feet 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

(4)

**RESOLUTION**

APPOINTING A JUDGE FOR MUNICIPAL COURT

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey, on this 7<sup>th</sup> day of August, 2018 that James Birchmeier be appointed Municipal Court Judge for the Borough of Stone Harbor for a three year term, starting August 21, 2018 and expiring August 21, 2021 in accordance with R.S. 2A:8-5.

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

(5)

**RESOLUTION**

**WHEREAS**, pursuant to N.J.S.A 54:4-64, the 3<sup>rd</sup> quarter installment of current year taxes shall not be subject to interest until the later of August 1, the additional interest-free period authorized pursuant to R.S. 54:4-67, or the twenty-fifth calendar day after the date the tax bill was mailed or otherwise delivered, and;

**WHEREAS**, the 2018 Final / 2019 Preliminary tax bills were picked up for delivery by Mail Room Systems Inc. on July 26, 2018, and;

**THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that the grace period for the 3<sup>rd</sup> quarter installment of current year taxes is extended to August 20, 2018.

**BE IT FURTHERED RESOLVED** that the Tax Collector makes the proper adjustments in her records.

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

(6)

## RESOLUTION

WHEREAS, NJS 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount;

### SECTION I

NOW THEREFORE, BE IT RESOLVED, on this 7<sup>th</sup> day of August, 2018 that the Borough Council of the Borough of Stone Harbor, in the County of Cape May, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of items of revenue in the budget of the year 2017

Cape May County Tourism Grant                      \$1,500.00

### SECTION II

BE IT FURTHER RESOLVED that a like sums are hereby appropriated;

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

**RESOLUTION**

(1)

**WHEREAS**, the Borough of Stone Harbor is currently under contract with Aliano Brothers General Construction, Inc. 2560 Industrial Way, Vineland, N.J. 08360 for Stone Harbor Police Station Expansion Project Number 0510U072; and

**WHEREAS**, it is the recommendation of the Remington & Vernick Engineers, to authorize Change Order No. 1 – Owners request, Shop Drawings and Valve Engineering; and

**WHEREAS**, Change Order No. 1 will result in a decrease of \$1,271.36 to the original contract amount of \$3,999,600.00 for an amended contract amount of \$ 3,998,328.64.

**NOW, THEREFORE, BE IT RESOLVED**, this 7<sup>th</sup> day of August, 2018 by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, and the State of New Jersey, that the preamble of this Resolution is hereby incorporated by reference and that the aforementioned Change Order No. 1 be and hereby is authorized;

**BE IT FURTHER RESOLVED** that the Mayor and the Borough Clerk be and hereby are authorized to execute Change Order No. 1 to decrease the original price by \$ 1,271.36.

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

(8)

**RESOLUTION**

*Council Meeting: AUGUST 7, 2018*

**REFUND TAX OVERPAYMENT TO VERIZON NEW JERSEY INC.**

**WHEREAS**, Block 9998 Lot 1, A.K.A. Verizon New Jersey Inc. % Duff & Phelps paid the first half preliminary property taxes; and

**WHEREAS**, Verizon New Jersey Inc. is no longer required by statute 54:4-1 to file Form PT-10 with the Tax Assessor or pay property taxes in 2018 on any personal property within the Borough of Stone Harbor; and

**WHEREAS**, the Tax Collector has requested a refund for overpayment of 2018 first half preliminary property taxes; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$856.06 be issued to Verizon New Jersey Inc. % Duff & Phelps, PO Box 2749, Addison TX 75001-2749; and

**BE IT FURTHER RESOLVED** that the Tax Collector make the proper adjustment in her records.

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, there is a need to purchase new Office Furniture for the Stone Harbor Police Building in the Borough of Stone Harbor, County of Cape May, State of New Jersey; and

WHEREAS, this Equipment can be purchased from National Office Furniture c/o W.S. Goff Company, Inc. 1610 Royal Street, Jasper IN 47549 through NJ -State Contract #A-81721; and

WHEREAS, the total amount of the purchase is \$ 59,577.10 and funds are available for said purchase as evidenced by the Chief Financial Officer's Certificate attached hereto; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, in the County of Cape May as follows:

1. The preamble of this Resolution is hereby incorporated by reference as if set forth here at length.
2. The Chief Financial Officer is hereby authorized and directed to prepare a Purchase Order for approval and forward same upon approval to the appropriate party in accordance with State Contract #A-81721 for the purchase of the aforementioned Police Office Furniture.
3. That all Borough officers and/or employees required to approve said Purchase Order are hereby directed to do so forthwith.

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

**RESOLUTION**

(10)

**AUTHORIZING THE REFUND OF SAILCRAFT PERMIT NO. 35**

**WHEREAS**, Cindy Sowash was issued Sailcraft Permit No. 35; and

**WHEREAS**, on July 12, 2018 Ms. Sowash requested a refund (copy attached) of his \$250.00 Sailcraft Permit fee.

**NOW, THEREFORE, BE IT RESOLVED** on this 7<sup>th</sup> day of August, 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 Sailcraft Permit #35 fee to Cindy Sowash, 3208 Patapsco Road, Finksburg, Maryland, 21048 Thomas Armstrong 1591 Stocton Road, Meadowbrook, Pa. 19046.

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

(11)

## RESOLUTION

WHEREAS, the following paid a \$ 30.00 fee for surf camp lessons; and

WHEREAS, for various reasons listed, choppy water, winds etc. have requested refunds; and

WHEREAS, the Recreation Department has approved these refunds for the following and the requests were also approved by the CFO;

1. Christine Black - Alicia & Arminda Black - \$60.00
2. Kristin Etoll – Owen Etil - \$30.00
3. Dawn Ogran – Adrianna & JT O’Dare - \$60.00
4. Sean Oroho – Sean Oroho & Vincent Giacci - \$60.00 and

WHEREAS, the following paid a \$ 50.00 fee for Intermediate Basketball League and found out here daughter was having surgery and could not participate

5. April Steidle – Emma Steidle Intermediate Basketball League - \$50.00

NOW, THEREFORE, BE IT RESOLVED, on this 7<sup>th</sup> day of August, 2018 by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May that refund listed above be approved and that the proper officers make the proper adjustments in the records.

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

.....

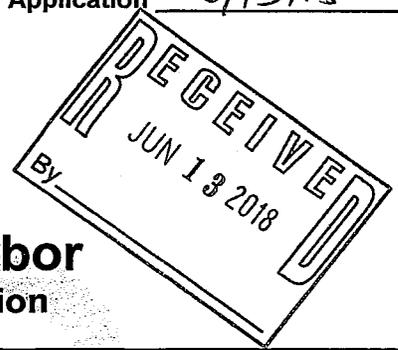
Borough Clerk

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

.....  
Mayor

(13)

Date of Application 6/13/18



### Borough of Stone Harbor 2018 Special Events Application

Name of Event: Festival of Lights

Date of Event: 8/11/18 Time of Event: 6-11 PM

Type of Event:  Festival  1K / 5K / Athletic / Bike Race / Marathon  Other BOAT PARADE

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 polices. 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

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

(14)

**RESOLUTION**

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC  
IN ACCORDANCE WITH THE PROVISIONS OF  
THE NEW JERSEY OPEN PUBLIC MEETINGS ACT,  
N.J.S.A. 10:4-12**

WHEREAS, the Borough Council of the Borough of Stone Harbor is subject to certain requirements of the *Open Public Meetings Act, N.J.S.A. 10:4-6*, et seq., and

WHEREAS, the *Open Public Meetings Act, N.J.S.A. 10:4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Borough Council of the Borough of Stone Harbor to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- 1. *Matters related to purchase, lease, sale or acquisition of real property with public funds.*

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on August 7, 2018 that an Executive Session closed to the public shall be held on August 7, 2018 at or about 4:30 P.M. in the Borough Hall of the Borough of Stone Harbor, 9508 Second Avenue, Stone Harbor, New Jersey, for the discussion of matters relating to the specific items designated above.

Official action may be taken as a result of said executive session.

It is anticipated that, in accordance with law and in a timely manner, the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

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