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ORDINANCE 2012-01

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF SOUTH JERSEY L. L. C. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE CITY OF VENTNOR, NEW JERSEY

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF VENTNOR, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast of South Jersey L.L.C. renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "City" or "Municipality" is the City of Ventnor, County of Atlantic, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of South Jersey, L.L.C.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission or successor government entity thereto.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the

municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire fifteen (15) years from the date of expiration of the previous Certificate of Approval issued by the Board with a ten (10) year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14:18-13.6.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, relay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary

company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- j. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- k. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- l. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- m. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- n. The Company shall provide Standard cable television service, at the Standard Cable tier, on one (1) outlet at no cost to each qualified existing and future school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
- o. The Company shall provide cable television service, at the Standard Cable tier, at no cost on one (1) outlet to each qualified existing and future police, fire, emergency management facility and public library in the Municipality, provided the facility is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.
- p. The Company shall provide free basic Internet access service, via cable modem, to one (1) non-networked personal computer in each qualified existing and future public school in the City, elementary, intermediate

and secondary, at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students and not for administrative use only.

- q. The Company shall provide free basic Internet access via cable modem on one (1) non-networked personal computer in each qualified existing and future public library at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to library patrons and not for administrative use only.
- r. Within six (6) months of the issuance of a Renewal Certificate of Approval the Company shall provide to the Municipality a one-time Technology Grant in the amount of forty-five thousand dollars (\$45,000) to meet the technology and/or cable related needs of the community.

SECTION 15. EDUCATIONAL AND GOVERNMENTAL ACCESS

- a. The Company will continue to provide one (1) channel for educational and governmental (“EG”) access for the shared use by the City of Ventnor with the City of Margate and the Borough of Longport (collectively, “Municipalities”) on the most basic tier of service offered by the Company in accordance with the Cable Act, Section 611, and as further set forth below. Educational access video programming shall be provided by Municipalities or their designated educational institution(s). Government access video programming shall be provided by the Municipalities. Unused capacity may be utilized by the Company subject to the provisions for “fallow time” below.
- b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for EG use. An EG access user – whether an educational or government user – acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.
- c. The Company shall not exercise editorial control over any educational or governmental use of channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.
- d. Comcast will maintain a programming insertion access point at Margate City Hall for all three Municipalities to utilize the shared EG access channel. The Municipalities shall be responsible for developing, implementing, interpreting and enforcing rules for EG access channel use.
- e. Educational Access. “Educational Access” shall mean non-commercial use by educational institutions such as public or private schools designated by the Municipalities, but not “home schools,” community colleges, and universities.
- f. Government Access. “Government Access” shall mean non-commercial use by the governing bodies of the Cities of Margate and Ventnor and the Borough of Longport, for the purpose of showing the public its local government at work.
- g. Company Use of Fallow Time. Because blank or under-utilized EG channels are not in the public interest, in the event the Municipalities or other EG access users elect not to fully program its EG access channel, Company may program unused time on those channels subject to reclamation by the Municipalities upon no less than 60 days written notice.
- h. Indemnification. The Municipalities shall indemnify Company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Municipalities’ rules for or administration of access.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the Municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendments thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 20. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

FIRST READING January 19, 2012

PUBLICATION January 23, 2012

PUBLIC HEARING &
ADOPTION February 16, 2012

ORDINANCE NO. 2012-02

ORDINANCE AMENDING BOND ORDINANCE 2011-11 OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, NEW JERSEY

BACKGROUND

WHEREAS, on July 25, 2011, the City of Ventnor City, County of Atlantic, New Jersey ("City") duly and finally adopted Bond Ordinance 2011-11 ("Bond Ordinance") authorizing the acquisition of various pieces of capital equipment and the construction and completion of various capital improvements in and for the City; and

WHEREAS, subsequent to the date of adoption of the Bond Ordinance, the City's Board of Commissioners identified a need to make improvements to additional buildings and grounds in and for the City not otherwise described in the Bond Ordinance; and

WHEREAS, the Board of Commissioners desires to amend Section 7(D) of the Bond Ordinance to revise the purpose for which obligations may be issued to include improvements to various buildings and grounds within the City including, but not limited to parks, playgrounds and libraries.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY BOARD OF COMMISSIONERS (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY, AS AMENDED AND SUPPLEMENTED ("LOCAL BOND LAW"), AS FOLLOWS:

Section 1. Section 7 of the Bond Ordinance is hereby amended to provide as follows:

| <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|--|-----------------------------|---------------------|------------------------------|-----------------------------|
| D. Improvements to various buildings and grounds within the City including, but not limited to, parks, playgrounds and libraries, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto. | \$355,000 | \$17,750 | \$337,250 | 15 years |

Section 2. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail of the amended capital budget and capital improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the City Clerk and available for public inspection.

Section 3. All other parts of the Bond Ordinance not amended hereby shall remain in full force and effect.

Section 4. In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

FIRST READING January 19, 2012

PUBLICATION January 23, 2012

PUBLIC HEARING &
ADOPTION February 16, 2012

ORDINANCE 2012-03

ORDINANCE CREATING CHP 121 OF THE CODE OF THE CITY OF VENTNOR AUTHORIZING AND REGULATING THE USE OF FIRE PITS

WHEREAS, the increased popularity of devices such as fire pits and chimineas which are used outside for burning firewood and other fuels increases the risk of fire within the City of Ventnor ; and

WHEREAS, the regulation of such fire pits and other devices would reduce the risk of loss of life and property due to fire; and

WHEREAS, the same will be a benefit to the health, safety and welfare of residents and visitors to the City of Ventnor.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey as follows:

SECTION I. Fire Pits Authorized.

- a. Fire pits or other similar devices are authorized within the City of Ventnor subject to the restrictions set forth in this Chapter. For the purpose of this Chapter, a fire pit shall be considered as any outdoor fireplace unit built after obtaining permits and approvals pursuant to the Uniform Construction Code, or
- b. Any equipment designed and used for outdoor fires and operated pursuant to manufacturer's instructions.

SECTION II. Limitation of Size. All such fireplaces or fire pits as set forth above shall be no larger than three (3) feet in diameter and two (2) feet in height and are required to have an approved screen or spark arrestor.

SECTION III. Location Requirements.

- a. Such fireplaces or fire pits may only be used at residential properties containing two or less units and are prohibited from being used at any commercial establishment or for any commercial use or at any multifamily dwelling in excess of two units.
- b. All such devices shall be kept at ground level and must be placed upon a non-combustible surface such as brick or cement. No such devices shall be permitted on any type of elevated landing, surface, deck, stairway, roof or other elevated platform or portion of a structure.
- c. Said devices are prohibited from being used within fifteen (15) feet of any structure, including but not limited to, homes, garages, sheds, showers or other such structures.
- d. Such devices are prohibited from being used within five (5) feet of any other combustible surface, including but not limited to, bushes, fences, pools, plants, shrubs, houses used for feeding of sheltering animals or other combustible surfaces.
- e. Said devices are prohibited from being used underneath any eave, overhang, roof, wires, tree limbs, vegetation, gutter, downspouts or decks.

SECTION IV. Fire pits must be attended. Any outdoor fireplace or fire pit must be constantly attended while in use and shall not be left unattended while any burning, smoldering or heat generation is taking place.

SECTION V. Hours. No fireplace or fire pit shall be used in the City of Ventnor other than during the hours between 9:00 a.m. and midnight.

SECTION VI. Certain Burning Prohibited. No trash or other waste such as garbage, leaves, construction debris, rubbish, plastic materials, leather, furniture or petroleum based materials may be used to fuel any fire in an outdoor fireplace or fire pit within the City of Ventnor. Only dry, seasoned firewood or prepackaged "Duraflame" type logs may be used as fuel for any fire in a fireplace or fire pit within the City of Ventnor. The same shall be lighted by the minimal amount of newspaper or wood kindling necessary. Under no condition shall a flammable or combustible liquid such as lighter fluid, kerosene, gasoline or other combustible liquid be used to start, fuel or otherwise enhance any fire in a fireplace or fire pit in the City of Ventnor.

SECTION VII. Extinguishment required. No person shall leave the contents of a fire pit burning or smoldering and proper extinguishment of the same is required. For the purpose of this Chapter, proper extinguishment of the contents of a fire pit may be obtained by using a fire extinguisher with a minimum of a 4A rating or a garden hose with suitable water supply. The fire shall be properly and thoroughly extinguished and ashes are to be properly disposed no sooner than 48 hours after burning. Ashes may be stored in a metal can with a tightly fitted lid which is located at least five (5) feet away from any building or other combustible surface or material.

SECTION VIII. Enforcement. The Chief of the Ventnor City Fire Department or his designee or officers of the Ventnor City Police Department may enforce this ordinance. Anyone authorized to enforce this ordinance shall have the authority to immediately cause any person using a fire pit or fireplace within the City of Ventnor to extinguish the same and order the same not be used for an appropriate duration of time if said enforcement official believes that the continued use of a fire pit or fireplace may cause any of the following conditions:

- a. An increased risk of fire hazard due to wind or other atmospheric conditions.
- b. A nuisance to any neighbors due to flames, sparks or smoke emission from a fireplace or fire pit.
- c. The use of any fireplace or fire pit in violation of this ordinance.

SECTION IX. Uniform Fire Code Takes Precedence. This ordinance shall not apply to any burning that requires a permit to be obtained pursuant to the New Jersey Uniform Fire Code. To the extent this ordinance is in conflict with the New Jersey Uniform Fire Code or the Uniform Construction Code, said Code shall take precedence.

SECTION X. Penalties. The following penalties shall be applicable for any violations of this ordinance:

1. For first offense - a violator shall be informed of the violation, and ordered to properly extinguish the fire contained in the fireplace or fire pit. The violator shall be given a verbal warning and shall be subject to increased penalties for subsequent violations.

2. For second offense - for any offense which occurs within a 24 month period of the first offense, a violator shall be subject to a fine of no less than \$50.00 and no more than \$500.00 and/or be required to perform up to 90 days of community service in the discretion of the Municipal Court Judge.

3. For third or subsequent offense - for any offense which occurs within 24 months of a second offense, said violator shall be subject to a fine of no less than \$50.00 and no more \$1,250.00, and/or community service not to exceed 90 days and/or imprisonment in the County Jail for a term not to exceed 90 days all in the discretion of the Municipal Court Judge.

A violation will be considered a subsequent offense if a previous offense has occurred at the same property address within 24 months of a previous offense even if a citation was issued to another individual at said address.

SECTION XI. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION XII. Should any section, clause, sentence, phrase, provision, or application of the Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect, impair, or invalidate the remaining portions of this Ordinance.

SECTION XIII. This Ordinance shall take effect on final passage, approval and publication.

FIRST READING February 16, 2012

PUBLICATION February 20, 2012

PUBLIC HEARING March 15, 2012

ADOPTION April 19, 2012

ORDINANCE NO. 2012-04

AN ORDINANCE AMENDING CHAPTER 220
OF THE CODE OF THE CITY OF VENTNOR
AS THE SAME RELATES TO WATER USAGE

WHEREAS, the City of Ventnor currently charges users of its water utility a flat rate fee; and

WHEREAS, the Commission of the City of Ventnor is desirous of instituting a system where the fee charged for water services shall be based on the amount of usage; and

WHEREAS, charging on a usage basis as compared to a flat fee charge is fairer and more equitable; and

WHEREAS, under the usage system, water utility customers that use more water shall pay more and those that use comparably less water shall pay less; and

WHEREAS, the City of Ventnor also wants to amend the cost of certain fees such as street opening permit fees and water connection fees so that the same cover the actual expense incurred by the City of Ventnor in performing or allowing said services; and

WHEREAS, during the process of implementing a usage based system in the City of Ventnor, the entirety of Chapter 220 of the Code of the City of Ventnor was reviewed and shall be updated by this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey as follows:

SECTION I. Section 220-1 of the Code of the City of Ventnor shall remain unchanged except for the following:

Section 220-1B shall be amended to read as follows:

“Nothing contained herein shall be construed as preventing in an emergency a total suspension of the right of any person to use said water supply for any of the aforesaid purposes or for washing any motor vehicle.

SECTION II. Section 220-2 of the Code of the City of Ventnor shall be amended to read as follows:

“It shall be unlawful, from and after the passage of this section for any person being the occupant of any property or for any person or corporate entity to permit the water supplied by the City of Ventnor for the use of inhabitants or businesses thereof to run or escape unnecessarily by reason of breaks, open valves, open pipes or by any other cause or causes. No person receiving water from the municipal water supply shall waste, or permit to be wasted any such water.

SECTION III. Section 220-3 of the Code of the City of Ventnor shall be amended to read as follows:

“220-3. Inspections Authorized. The Supervisor of the Department of Public Works, Supervisor of the Water Utility, or either of their designees, shall be authorized to enter upon any property in the City of Ventnor receiving water from the municipal water supply system for any purpose, including, but not limited to that of inspecting said property to determine (a) whether any water is being wasted at said property; (b) to inspect for any reason any pipe, meter, stop valve, lateral, or any other equipment used in the supplying of water to said property; (c) to perform any tests; (d) to insure that no illicit connections exist; and (e) any other reason which insures the efficient operation of the water utility in the City of Ventnor.

Any person or entity receiving water from the municipal water supply system shall, by the act of receiving such water, agree and consent to any and all provisions of this Chapter.

Any person or entity being advised that they are wasting water shall be ordered to discontinue the same. To the extent that they have not abated such waste of water within the time frame established by the Director of Public Works or the Director of the Water Utility they shall be considered in violation of this Chapter.

SECTION IV. Section 220-4 of the Code of the City of Ventnor shall be amended to read as follows:

220-4. Enforcement. The Director of Public Works, Director of the Water Utility or any member of the Ventnor City Police Department shall have the authority to enforce this Chapter and issue a summons pursuant to the same.

SECTION V. Section 220-5 of the Code of the City of Ventnor shall remain unchanged.

SECTION VI. Section 220-6 of the Code of the City of Ventnor shall be modified by adding a final sentence to the end of said section which reads as follows:

“The property owner shall be responsible for any connection fees or other fees associated with the installation of the water meter or meters.”

SECTION VII. Section 220-7 of the Code of the City of Ventnor shall remain unchanged.

SECTION VIII. Section 220-8 of the Code of the City of Ventnor shall remain unchanged.

SECTION IX. Section 220-9 of the Code of the City of Ventnor shall be amended by deleting the final sentence thereof.

SECTION X. Section 220-10 of the Code of the City of Ventnor shall be repealed and reserved for future use.

SECTION XI. Section 220-11 of the Code of the City of Ventnor shall be repealed and reserved for future use.

SECTION XII. Section 220-12 of the Code of the City of Ventnor shall be amended as follows:

“Violations and Penalties. Any person or entity violating the provisions of this Chapter shall be liable, upon conviction thereof, for a fine not to exceed \$1,250.00, and/or community service not to exceed 90 days and/or imprisonment in the County jail not to exceed 90 days all as determined in the discretion of the Municipal Court Judge. In addition to any of the fines and penalties as set forth above, the City of Ventnor may take all other appropriate action including the temporary termination of water services, the maintenance, repair or replacement of any equipment as deemed necessary and any other appropriate actions to insure the efficient and cost effective operation of the water utility.

SECTION XIII. Section 220-13 of the Code of the City of Ventnor shall amended to read as follows:

“220-13. Fees. The following fees shall be charged:

| Service or Permit Provided | Description | Cost |
|----------------------------|--|--|
| a. Street Opening Permit | Standard Opening Permit for Area Up to 100 sq ft | \$250.00 |
| b. Street Opening Permit | Any space in excess of that allotted pursuant to a standard opening permit | \$2.50 per sq ft for each sq ft in excess of 100 sq ft |
| c. Street Opening Deposit | Deposit must be paid for all street openings. Refund of the same shall be made upon approval of the proper restoration of the area of street opening | \$1,000.00 |
| d. Fire Hydrant Use | Per diem charge for use of fire hydrant | \$150.00 |
| e. Water Connection | Service size up to one (1) inch | \$850.00 |
| f. Water Connection | Service size of one and a half (1 ½) inch. | \$1,650.00 |
| g. Water Connection | Service size of two (2) inches | \$1,250.00 |
| h. Water Connection | Service size of three (3) inches | \$1,500.00 |
| I. Water Connection | Service size of four (4) inches | \$2,700.00 |
| j. Water Connection | Service size of six (6) inches | \$4,650.00 |
| k. Sewer Connection | Standard six (6) | \$500.00 |

inch lateral

The prices for water connections reflect the price for the cost of meter. Any additional material required shall be supplied by the installing contractor and be reflected in their fee for said work. The same shall not be paid by the City of Ventnor.

All water meters above one and a half (1 ½) inch in size, or any meter that requires installation in a location other than a pit adjacent to the curblineline of the property shall require the services of a plumber or mechanical contractor for said installation.

SECTION XIV. Section 220-14 of the Code of the City of Ventnor shall be amended to read as follows:

“Section 220-14. Usage Fees. The following rates and fees shall be in effect for the calendar year 2012.

- | | |
|--|----------|
| A. Water - Annual Fixed Amount | \$159.00 |
| B. Variable rate per 1,000 gallons | \$1.12 |
| C. Variable rate per 1,000 gallons for the months of July, August and September | \$1.60 |
| D. Fee for customers not billed per usage rates (all fees shall be in addition to the annual fixed amount) | \$77.30 |

Billing will be based on a quarterly basis and any fixed amount shall be billed in four (4) equal amounts pursuant to the quarterly billing. The City of Ventnor reserves the right to use estimated figures for the final billing of the year based on prior usage.

Upon the request of any customer, the City of Ventnor shall supply any periodic bill for service and any other additional information routinely sent by the municipality as required by law in electronic format.

SECTION XV. Section 220-15 of the Code of the City of Ventnor shall be amended to read as follows:

“220-15. Responsibility of Repair or Replacement. If any water meter needs repair and/or replacement for any reason whatsoever, the responsibility of cost for such repair and/or replacement shall be the responsibility of the homeowner. No water meter may be repaired or replaced without the advance notice and approval of the City of Ventnor Water Utility.

SECTION XVI. Section 220-16 of the Code of the City of Ventnor shall be amended to read as follows:

“220-16. If as a result of the defect in the water meter of any property being billed pursuant to the water usage method, the City of Ventnor is unable to make an accurate reading as to the usage of water for any designated period, then the City of Ventnor specifically reserves the right, in its sole discretion, to estimate the water usage for that particular property based upon prior usage.

SECTION XVII. Section 220-17 of the Code of the City of Ventnor shall be amended to read as follows:

“220-17. Damage or Tampering with Water Meters. Should any water meter, or other system used to supply water by the Ventnor City Water Utilities, be damaged or tampered with in any way by any person, the owner of said property, in addition to the individual who tampered with the meter, shall be in violation of this ordinance. Further, it shall be a violation of this ordinance if any meter is disconnected, if the MXU section of said meter is removed, or if the meter is otherwise changed or modified so that an accurate and full billing for said property cannot be made.

SECTION XVIII. Section 220-18 of the Code of the City of Ventnor shall remain unchanged.

SECTION XIX. Section 220-19 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XX. Section 220-20 of the Code of the City of City of Ventnor shall be amended as follows:

- A. No change.
- B. All applications shall be understood to embody all rules and regulations, as well as this Chapter, pertaining to the operation of the water plant, whether or not it is fully set forth in this Chapter.
- C. The owner of the property to be supplied or his duly authorized agent or purchasers under contract or mortgagees in possession or duly authorized receivers or trustees shall be responsible for installation of the service connection from the main trunk to the curblineline. For each and every installation, the responsible party shall obtain a permit from the City Clerk, obtain a street opening permit, if required, and pay a connection fee as set forth in this Chapter and further comply with all statutory requirements.

D. No change.

E. No change.

SECTION XXI. Section 220-21 of the Code of the City of City of Ventnor shall be amended as follows:

Subsection A shall be amended by adding the following final sentence:

“A fee of \$100.00 shall be charged for this service in addition to any and all other fees which may be applicable pursuant to this Chapter.”

Subsection B - no change.

Subsection C - no change.

SECTION XXII. Section 220-22 of the Code of the City of City of Ventnor shall be amended to read as follows:

“A. Upon installation of the approved water service connection, and payment of the appropriate fee, the City shall furnish and deliver to the premises of the customer a meter, meter pit box, cover plate and all relevant plumbing fittings necessary to properly install the same. Once installation is complete, the City of Ventnor shall be responsible for the maintenance and repair of the water service connection from the existing water main to the vertical face of the established roadway curbing. The abutting property owner shall be responsible for the water service connection and its appurtenances from the vertical face of the established roadway curbing to the building. Such maintenance shall include repair and/or replacement of service piping, curb stops, pit boxes and lids, valves, pit setters and/or setting horns, pack joints, water boxes and lids. No such work shall be done by a property owner unless advance notice is given to the City of Ventnor and such work does not constitute a danger to the health, safety and welfare of the general public. The City shall retain ownership and maintenance of the water meter and the MXU electronic read out terminal.

B. No change

C. No change

SECTION XXII. Section 220-23 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXIV. Section 220-24 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXV. Section 220-25 of the Code of the City of City of Ventnor shall be modified as follows:

A. No change

B. (1) No change

(2) No change

(3) No change

(4) The tampering with any service pipe, meter, curb, stop seal, or any other appliance of the City.

(5) No change

(6) No change

(7) No change

(8) For any other violation of this Chapter.

C. No change

D. When service is discontinued for any reason due to the actions of the property owner, someone residing at the property or someone acting on their behalf, a charge of \$100 shall be made for turning off the water.

E. No change

F. No change

SECTION XXVI. Section 220-26 of the Code of the City of City of Ventnor shall be modified as follows:

A. No change

B. No change

C. Whenever a property owner or someone acting on it's behalf requests a meter change the fees as set forth in this Chapter shall be applicable. In the sole discretion of the City of Ventnor if such meter needs replacement due to damage, obsolescence or other reason not the fault of the property owner, the City of Ventnor may waive such fee.

SECTION XXVII. Section 220-27 of the Code of the City of City of Ventnor shall be modified as follows:

A. The City will make a test of accuracy of a meter upon the request of a customer. A report or printout giving the results of such a test will be made available to the property owner, and a record of such test shall be kept on file with the City of Ventnor for a reasonable period of time. When any testing requires a visit to the

property, the property owner or someone acting on their behalf may be present to observe the test. The City will impose a charge of \$25.00 if the test simply involves a print out showing the number of gallons used by the property owner. If any test requires the City of Ventnor to send personnel to the property, the fee shall be \$100.00. To the extent the test shows there has been a substantial error in the meter, then the City of Ventnor in its sole discretion may refund or credit the amount of the fee for such a test.

- B. When the City of Ventnor determines that an error has occurred due to the meter or other equipment supplied by the City of Ventnor, the City, in its sole discretion, may apply additional billing or credits, as the case may be, on the billing of said property owner. However, any credit given in such circumstances shall be limited to a credit based upon the actual usage as determined by the City of Ventnor for a maximum period of 12 months prior to the date of the discovery of the error.
- C. No water meter shall be placed in service unless the City of Ventnor, in its sole discretion, determines that said meter is operating correctly.
- D. All meter readings shall be final unless there is a request that a reading be investigated and officials acting on behalf of the City of Ventnor determine that a meter reading, or billing as a result thereof, should be adjusted.

SECTION XXVIII. Section 220-28 of the Code of the City of City of Ventnor shall be modified as follows:

- A. No change
- B. If a bill remains unpaid for a period of 30 days after the due date shown on the bill, the customer shall be responsible for said bill, together with the delinquency penalty of 8% per annum for the first \$1500 of the delinquency and 18% per annum on any amount in excess of \$1500, to be calculated from the date the amount was payable until the date of actual payment. If said bill is not paid within said 30 day period, the City will forward a notice indicating that within 15 days the water supply to the property shall be discontinued. Said notice shall be sent by certified mail and if the bill is not paid within 15 days from the date that said certified mail is accepted, refused, or returned as undeliverable, the City of Ventnor, in its sole discretion, may terminate the water supply to said property. When water is turned off under such conditions, it will remain off until the amount owed is paid in full, together with all other charges which may be due and owing pursuant to this Chapter, including but not limited to, any charge for reinstating the water supply. The City of Ventnor, in its sole discretion, may enter into a partial payment arrangement with a property owner whereby water service is returned to the property upon a written agreement by the owner to pay all arrearages pursuant to a monthly payment schedule in addition to any current charges.
- C. If the customer requests the City implement a payment schedule regarding any delinquent bill or charge, the amount of monthly payments and the duration of said payment plan shall be determined in the sole discretion of the City of Ventnor. In no event shall any payment plan last for longer than an 18 month period. Any such payment schedule must be authorized by Resolution of the Governing Body.

SECTION XXIX. Section 220-29 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXX. Section 220-30 of the Code of the City of City of Ventnor shall be modified as follows:

- A. Rates shall be determined each year by the City of Ventnor and shall be available in City Hall or by contacting the Water Utility. Houses of worship shall be exempt from the charges imposed by the Water Utility.
- B. The intention of this Chapter is that every separate, residential and commercial use in the City of Ventnor shall be metered. The City of Ventnor is indemnified and held harmless by any rate charged by a property owner to individuals residing in said property for water charges. For example, but not by way of limitation, the City of Ventnor shall not be responsible for any charge imposed by a landlord on a tenant for water services or for a condominium association on individual unit owners for water usage to the extent that separate metering does not occur.
- C. Service to fire protection facilities.

(1) Effective on the passage of this article and thence forth, any property having private fire protection facilities shall pay for each connection to be used exclusively for the extinguishment of fires a fee of \$100.00 per year.

(2) No additional charges shall be made for sprinkler heads, fire hydrants or other fire fighting facilities which may be attached to a private fire service connection, unless

mandated by the Uniform Fire Code or Uniform Construction Code, and no charge shall be made for water used in extinguishing fires where the service is furnished pursuant to a service connection used exclusively for the extinguishment of fires and pre-authorized by the Ventnor City Fire Department.

(3) The rate provided in this article shall be available only for service connection as used exclusively for the extinguishment of fires. If the customer desires to use water for general or commercial purposes through the same connection, or if any private service connection is used for unauthorized purposes, then the service connection shall be metered in a manner to permit accurate registration of all consumption and fees shall be charged pursuant to this Chapter.

(4) All charges for private fire protection service furnished under this schedule are to be rendered pursuant to quarterly billing instituted by the City. The charge for any service connection can be incorporated into the amount of any bill sent to such property for normal water usage.

(5) Notwithstanding anything to the contrary, above, the \$100.00 annual fee for a fire protection connection shall not be applicable to any fire protection system provided to a residential customer served by a water service line of two inches or less in diameter.

(6) No rate shall be charged in excess of the water actually used for any sprinkler system required to be installed in any residential health care facility pursuant to the Health Care Facilities Planning Act and regulations promulgated there under or in any rooming or boarding house pursuant to the Rooming or Boarding House Act of 1979 and regulations promulgated there under.

D. Miscellaneous charges:

(1) Where water is furnished for building purposes, it shall, wherever practical, be supplied through a meter and the rates and charges as set forth in this Chapter shall be applicable.

(2) Any time a request is made for a special reading of a water meter as a result of a transfer of property from one owner to another, there shall be a fee of \$25.00 payable in advance for such reading. To the extent that this subsection is in conflict with the Open Public Records Act, the provisions of the Open Public Records Act shall govern.

E. Fire Hydrants. Any person or entity requesting the use of water from a fire hydrant within the City of Ventnor shall make application and pay the appropriate fee in advance as set forth in this Chapter. No such permit shall be authorized unless the Chief of the Ventnor City Fire Department or his designee authorizes the same. The application for such fire hydrant permit shall be made to the Clerk of the City of Ventnor and shall only be valid for the time period, and location of the hydrant as listed thereon. The permit shall also only authorize the individual or entity requesting same to make use of the hydrant.

F. This subsection shall be deleted.

SECTION XXXI. Section 220-31 of the Code of the City of City of Ventnor shall be amended to read as follows:

Action by Property Owners Upon Discontinuance of Service. Any user of the water system within the City of Ventnor understands and consents to the fact that for a variety of reasons that water service may be temporarily terminated to any property. Such service may be terminated for reasons such as infrastructure work and improvement, water shortage, repairs, lack of payment of bill or any other reason. During such events, the City will use all reasonable measures to notify any customer of the discontinuance of service and the probable duration of such discontinuance. In the event that the water supply fails or is turned off for any reason, any customer owning hot water faucets shall open the same at once. Any persons having boilers within their premises which depend upon water pressure for the pipes from water supplied by the City of Ventnor, shall be responsible for any and all damage in the event of termination or temporary shutdown of water services. The City of Ventnor and those acting on its behalf, are specifically indemnified and held harmless from any damages or inconvenience regarding the same. All persons having boilers within their premises which depend upon the pressure in the pipes of the City of Ventnor to keep them supplied are hereby cautioned against collapse. In such case, the City shall not be liable for any damages or inconvenience suffered as a result thereof.

SECTION XXXII. There shall be a new section added to the Code of the City of Ventnor which shall read as follows:

“Section 220-32. Owners Responsibility.

Whenever a property is transferred through sale or otherwise, the new homeowner shall be responsible for advising the Tax Collector's Office and the water utility in the City of Ventnor of any new billing address.

SECTION XXXII. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION XXXIII. Should any section, clause, sentence, phrase, provision, or application of the Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect, impair, or invalidate the remaining portions of this Ordinance.

SECTION XXXIV. This Ordinance shall take effect on final passage, approval and publication.

FIRST READING February 16, 2012

PUBLICATION February 20, 2012

PUBLIC HEARING
& ADOPTION March 15, 2012

ORDINANCE NO. 2012-05

AN ORDINANCE AMENDING CHAPTER 186
OF THE CODE OF THE CITY OF VENTNOR
AS THE SAME RELATES TO SEWERS

WHEREAS, the City of Ventnor currently charges users of its sewer utility a flat rate fee; and

WHEREAS, the Commission of the City of Ventnor is desirous of instituting a system where the fee charged for sewer services shall be based on the amount of usage; and

WHEREAS, charging on a usage basis as compared to a flat rate fee is fairer and more equitable; and

WHEREAS, under the usage system, sewer utility customers that use more sewer shall pay more and those that use comparably less sewer shall pay less; and

WHEREAS, during the process of implementing a usage based system in the City of Ventnor, the entirety of Chapter 186 of the Code of the City of Ventnor was reviewed and shall be updated by this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey as follows:

SECTION I. Section 186-1 of the Code of the City of Ventnor shall remain unchanged.

SECTION II. Section 186-2 of the Code of the City of Ventnor shall be amended to read as follows:

A. The cost for installation of all new sanitary sewer service connections made to the municipal sewer system and extending from the mains thereof to the building shall be the sole responsibility of the party requesting the service connection. For each and every approved installation, the requesting party shall submit and obtain a permit from the Ventnor City Clerk, pay a sewer connection permit fee of \$500.00 and obtain a street opening permit and pay any applicable fee regarding the same.

B. No change

C. No change

D. No change

E. The cost for installation of all new temporary sanitary sewer service connections made to the municipal sewer system and extending from the mains thereof to a building or any other temporary sewer shall be the sole responsibility of the party requesting the service connection. For each and every approved temporary connection, the requesting party shall submit and obtain a permit from the Ventnor City Clerk, pay sewer connection permit fee of \$500.00 and obtain a street opening permit, if necessary, and pay any applicable fee regarding the same.

Section 186-2.1 of the Code of the City of Ventnor shall be amended to read as follows:

The following rates shall be charged for sewer service in the City of Ventnor:

| | |
|--|--|
| A. Sewer Connection-Standard 6 inch lateral | \$500.00 |
| B. Sewer Fixed Annual Amount | \$ 176.00 |
| C. Sewer Variable Rate per 1,000 gallons | \$3.80 |
| D. Sewer Variable rate for the months of July, August, September per 1,000 gallons | \$5.43 |
| E. Fee for customers not billed per usage rates (this fee shall be in addition to the fixed annual amount) | \$262.70 |
| F. Street opening permit - standard opening up to 100 sq ft | \$250.00 |
| G. Street opening permit - any area in excess of the standard opening of 100 sq ft | \$2.50 per sq ft cost above standard opening |

Street opening deposit - will be refunded upon approval of the restoration of the asphalt where the street opening occurred

\$1,000.00

Bills will be issued on a quarterly basis and any fixed amount shall be billed in four equal amounts pursuant to the quarterly billing.

The City of Ventnor reserves the right to use estimated figures for the final billing of the year based on prior usage.

SECTION III. Section 186-3 of the Code of the City of Ventnor shall be amended to read as follows:

Violations and penalties. Any person, corporation, partnership, LLC, association or other business entity who shall violate any of the provisions of this Chapter shall, upon conviction be subject to punishment of a fine not to exceed \$1,250.00 and/or community service for up to 90 days and/or 90 days in the County jail all as decided in the discretion of the Municipal Court Judge. In addition, the Municipal Court Judge may order any and all outstanding amounts for sewerage services to be paid in full by a date certain and may, in the discretion of the Judge, order a termination of services provided pursuant to this Chapter.

SECTION IV. Section 186-4 of the Code of the City of Ventnor shall remain unchanged.

SECTION V. Section 186-5 of the Code of the City of Ventnor shall remain unchanged.

SECTION VI. Section 186-6 of the Code of the City of Ventnor shall remain unchanged.

SECTION VII. Section 186-7 of the Code of the City of Ventnor shall remain unchanged.

SECTION VIII. Section 186-8 of the Code of the City of Ventnor shall remain unchanged.

SECTION IX. Section 186-9 of the Code of the City of Ventnor shall remain unchanged.

SECTION X. Section 186-10 of the Code of the City of Ventnor shall remain unchanged.

SECTION XI. Section 186-11 of the Code of the City of Ventnor shall remain unchanged.

SECTION XII. Section 186-12 of the Code of the City of Ventnor shall remain unchanged.

SECTION XIII. Section 186-13 of the Code of the City of Ventnor shall be amended by adding the following sentence as a final sentence to the same:

“In addition, any user of the Ventnor City sewer system, must comply with all State and Federal laws and regulations whether the same relate to discharge or other subjects including but not limited to any regulations established by the New Jersey Department of Environmental Protection.”

SECTION XIV. Section 186-14 of the Code of the City of Ventnor shall remain unchanged.

SECTION XV. Section 186-15 of the Code of the City of Ventnor shall remain unchanged.

SECTION XVI. Section 186-16 of the Code of the City of Ventnor shall remain unchanged.

SECTION XVII. Section 186-17 of the Code of the City of Ventnor shall remain unchanged.

SECTION XVIII. Section 186-18 of the Code of the City of Ventnor shall be amended to read as follows:

186-18. Admission to property. In return for the use of the sewer utility in the City of Ventnor, any user of said system agrees that the Superintendent of Public Works, the Superintendent of the Sewer Utility or their designee shall be authorized to enter upon any property using sewer services during reasonable hours. The purpose of said entry includes, but is not limited to, inspection and copying of records required to be kept by the City, County, State or any agency or subdivision thereof, inspecting, maintaining, repairing, and replacing equipment including but limited to pipes and meters or other monitoring equipment, taking samples of any discharge into the local sewer system or for any other reason necessary for the efficient operation of the City of Ventnor sewer utility. Entry shall also be allowed at any hour under emergency conditions.

SECTION XIX. Section 186-19 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XX. Section 186-20 of the Code of the City of City of Ventnor shall be amended as follows:

If, for any reason, a user of the system does not comply with or will be unable to comply with any prohibition, limitation or other condition of this Chapter, said person shall

immediately notify the Superintendent so that corrective action may be taken to protect the treatment system. Any discharges in violation of this Chapter must be reported immediately. To the extent that a discharge occurs at a commercial property a report must be submitted by the owner of said property detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and the corrective action taken to prevent future discharges within five (5) days of the occurrence of the event.

SECTION XXI. Section 186-21 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXII. Section 186-22 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXIII. Section 186-23 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXIV. Section 186-24 of the Code of the City of City of Ventnor shall be amended to read as follows:

186-24. Determination of waste of volumes. A determination of the volume of waste water contributed to the local sewer system by any user shall be through metering process established in the City of Ventnor or by such other methods which are determined as appropriate by the City. Any user of the system consents to abide by any requirements of the Superintendent of the sewer utility so that the most accurate measurements of volumes discharged may be obtained.

SECTION XXV. Section 186-25 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXVI. Section 186-26 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXVII.

SECTION XXVIII. Section 186-28 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXIX. Section 186-29 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXX. Section 186-30 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXXI. Section 186-31 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXXII. Section 186-32 of the Code of the City of City of Ventnor shall be repealed and reserved for future use.

SECTION XXXIII. Section 186-33 of the Code of the City of City of Ventnor shall be repealed and reserved for future use.

SECTION XXXIV. Section 186-34 of the Code of the City of City of Ventnor shall be repealed and reserved for future use.

SECTION XXXV. Section 186-35 of the Code of the City of City of Ventnor shall be repealed and reserved for future use.

SECTION XXXVI. Section 186-36 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXXVII. Section 186-37 of the Code of the City of City of Ventnor shall be amended by adding the following sentence at the end of said section:

However, the City Auditor, upon consultation with the Chief Financial Officer of the City of Ventnor may place said amount or a portion thereof in a surplus line item to be carried over to the succeeding fiscal year.

SECTION XXXVIII. Section 186-38 of the Code of the City of City of Ventnor shall be repealed and reserved for future use.

SECTION XXXIX. Section 186-39 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXXX. Section 186-40 of the Code of the City of City of Ventnor shall be amended to read as follows:

No individual or other entity may make any illicit connection with the sewer system in the City of Ventnor nor shall any person or entity discharge or cause to be discharged by an illicit connection to the municipal separate storm sewer system operated by the City of Ventnor any domestic sewerage other than storm water.

SECTION XXXXI. Section 186-41 of the Code of the City of City of Ventnor shall be amended to read as follows:

All buildings located within the City of Ventnor are required to be connected

to such sewer service. No Certificate of Occupancy shall be issued until the proper sewer connection is made for any new construction. No property whether residential or commercial shall be connected to the public sewer system without the installation of an approved curbside "clean out device" of such design and type as is approved in accordance with the applicable Uniform Construction and Plumbing Codes.

SECTION XXXXII. Section 186-42 of the Code of the City of City of Ventnor shall be amended to read as follows:

186-42. Unpaid amounts. In the event of then on-payment of all or any portion of the charges herein prescribed and provided as and when due, such unpaid amount shall bear an interest penalty at the rate of 1% per month after 30 days from the date the amount became due.

SECTION XXXXIII. Section 186-43 of the Code of the City of City of Ventnor shall be amended to read as follows:

186-43. Revision of user charges. The local utilities shall review the charges for the sewerage utility on an annual basis and revise the same if necessary to insure that revenues are sufficient to offset the total cost of operating and maintaining the local sewer system and to maintain the proportionate distribution of costs among users or user class.

SECTION XXXXIV. Section 186-44 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXXXV. Section 186-45 of the Code of the City of City of Ventnor shall remain unchanged.

SECTION XXXXVI. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION XXXXVII. Should any section, clause, sentence, phrase, provision, or application of the Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect, impair, or invalidate the remaining portions of this Ordinance.

SECTION XXXXVIII. This Ordinance shall take effect on final passage, approval and publication.

FIRST READING February 16, 2012

PUBLICATION February 20, 2012

PUBLIC HEARING
& ADOPTION March 15, 2012

ORDINANCE 2012-06

ESTABLISHING 2012 SALARIES, COMPENSATION AND SALARY RANGES OF OFFICERS AND EMPLOYEES OF THE CITY OF VENTNOR CITY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VENTNOR CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY that:

SECTION I. The following Schedule of Compensation shall be in effect in the City of Ventnor City and all officers and employees shall be paid in accordance with the schedule set forth in Section III hereof.

SECTION II. Titles of officers or positions that have been classified heretofore pursuant to recommendations of the New Jersey Department of Civil Service and shall be used in accordance with the terms enumerated in said schedule so far as practicable, and any salary herein authorized in excess of any minimum, intermediate or maximum rate of compensation heretofore authorized by Ordinance to that extent only.

SECTION III. The following shall constitute the schedule of salary ranges and compensation referred to hereinabove:

| DP CODE | TITLE | SALARY RANGE | |
|---------|--|--------------|------------|
| | | FROM | TO |
| 00001 | Account Clerk | \$20,000 | \$45,000 |
| 00003 | Account Clerk Typing | \$20,000 | \$56,900 |
| | Attendants-Fishing Pier | \$5.25/hr | \$9.50/hr |
| | Attendants- Tennis | \$5.25/hr | \$10.70/hr |
| | Beach Cleaner | \$5.25/hr | \$9.50/hr |
| | Beach Fee Checker | \$5.25/hr | \$9.50/hr |
| | Captain, Beach Patrol | \$9.50/hr | \$30.00/hr |
| 00970 | Carpenter | \$20,000 | \$56,700 |
| 07451 | Chief Financial Officer | \$24,000 | \$90,000 |
| | Chief, Beach Patrol | \$13.50/hr | \$35.00/hr |
| 01229 | City Clerk | \$24,000 | \$80,000 |
| 01268 | Clerk Typist | \$20,000 | \$47,800 |
| 01290 | Commissioner | \$7,500 | \$10,000 |
| 06096 | Construction Official/Building Sub-Code Official | \$20,000 | \$90,000 |
| 01509 | Deputy City Clerk | \$20,000 | \$25,000 |
| 01506 | Deputy Fire Chief | \$61,400 | \$105,900 |
| 07796 | Deputy Municipal Court Administrator | \$20,000 | \$27,600 |
| 05046 | Electrical Sub-Code Official | \$3,000 | \$16,000 |
| 01746 | Equipment Operator | \$20,000 | \$52,500 |
| 01836 | Fire Captain | \$61,000 | \$96,300 |
| 01837 | Fire Chief | \$61,000 | \$112,700 |
| 01839 | Fire Fighter | \$27,800 | \$79,600 |
| 01843 | Fire Lieutenant | \$57,700 | \$87,500 |
| 05200 | Fire Sub-Code/Plumbing Sub-Code Official | \$7,500 | \$16,200 |

| DP CODE | TITLE | SALARY RANGE | |
|---------|--|--------------|------------|
| | | FROM | TO |
| 06818 | General Supervisor Traffic Maintenance | \$20,000 | \$59,120 |
| 02071 | Housing Inspector | \$15,000 | \$58,300 |
| 02219 | Judge of Municipal Court | \$15,000 | \$25,000 |
| 02248 | Laborer | \$20,000 | \$46,600 |
| | Lieutenant, Beach Patrol | \$9.50/hr | \$23.00/hr |
| 02297 | Lifeguard | \$9.50/hr | \$20.00/hr |
| 02390 | Management Specialist | \$10,000 | \$20,000 |
| 02428 | Mayor | \$8,500 | \$10,000 |
| 02434 | Mechanic | \$23,900 | \$54,800 |
| 02456 | Mechanic's Helper | \$20,000 | \$45,500 |
| 02519 | Municipal Administrator | \$5,000 | \$15,000 |
| 07795 | Municipal Court Administrator | \$20,000 | \$46,900 |

| | | | |
|-------|--|-------------|-------------|
| 05079 | Municipal Emergency Management Coordinator | \$15,000 | \$72,800 |
| 07305 | Parking Enforcement Officer | \$20,600 | \$26,100 |
| 02604 | Park Maintenance Worker | \$15,000 | \$50,600 |
| | Pier Master | \$250/wk | \$900/wk |
| 05056 | Plumbing Sub-Code Official | \$3,000 | \$27,200 |
| 02718 | Police Captain | \$69,984 | \$113,100 |
| 02719 | Police Chief | \$77,000 | \$118,700 |
| 02727 | Police Lieutenant | \$64,650 | \$113,100 |
| | Police Lieutenant, Assigned Detective | \$69,984 | \$107,400 |
| 02728 | Police Officer | \$26,592 | \$84,910 |
| | Police Officer, Assigned Detective | \$59,723 | \$93,401 |
| 02739 | Police Sergeant | \$59,723 | \$93,401 |
| | Police Sergeant, Assigned Detective | \$64,650 | \$102,800 |
| 02534 | Prosecutor | \$10,000 | \$31,000 |
| 01296 | Public Safety Telecommunicator | \$24,500 | \$58,600 |
| 06229 | Public Safety Telecommunicator Trainee | \$24,500 | \$53,800 |
| 02936 | Public Works Superintendent | \$15,000 | \$87,400 |
| 02495 | Pump Station Operator | \$17,050 | \$47,300 |
| 05674 | Receptionist/Telephone Operator Typing | \$15,000 | \$47,500 |
| 02993 | Recreation Leader (Director) | \$6,000 | \$50,400 |
| 02995 | Recreation Leader Arts & Crafts | \$12,000 | \$34,700 |
| 04440 | Recreation Leader Tennis | \$200/wk | \$840/wk |
| 03125 | School Traffic Guard | \$20.00/day | \$45.00/day |
| 03154 | Secretary to the Mayor | \$15,000 | \$46,000 |
| 03679 | Sewer Equipment Operator | \$33,900 | \$49,800 |
| 05875 | Sewer Repairer/Water Repairer | \$31,400 | \$53,100 |
| 05945 | Sewer Superintendent/Water Superintendent | \$25,000 | \$73,400 |
| 06895 | Special Law Enforcement Officer | \$10,000 | \$24,700 |
| 03805 | Street Sweeper | \$15,000 | \$51,100 |
| 06724 | Supervising Mechanic | \$15,000 | \$61,500 |
| 06707 | Supervisor Sewer/Supervisor Water | \$15,000 | \$57,200 |
| 04120 | Tax Assessor | \$15,000 | \$56,000 |
| 04124 | Tax Collector | \$24,000 | \$75,400 |
| 53099 | Technician, Management Information Systems | \$30,000 | \$55,000 |
| 04189 | Traffic Maintenance Worker | \$15,000 | \$46,700 |
| 05742 | Water Meter Reader/Water Meter Repairer | \$31,400 | \$56,100 |

SECTION IV. The compensation indicated above shall be the maximum basic salary per annum within said title, payable in biweekly installments, exclusive of longevity.

SECTION V. The salaries and all rights contained in this Ordinance shall be effective as of January 1, 2012.

SECTION VI. Members of the Ventnor City Police Department and Ventnor City Fire Department will be granted one (1) working day of sick leave per month during the remainder of the first calendar year of employment after initial appointment and fifteen (15) working days of sick leave annually thereafter, or at one half of that rate while working 24 hour shifts, cumulative to the date of retirement. The maximum payment for accumulated sick leave at retirement is limited as specified in the respective employment agreements.

Members of the Ventnor City non-uniform departments will be granted one (1) working day of sick leave per month during the remainder of the first calendar year of employment after initial appointment and fifteen (15) working days of sick leave annually thereafter, cumulative to the date of retirement. Payment shall be calculated based upon the employee's base rate of salary at the termination date of employment, provided that the employee has completed at least twenty (20) years of service. The maximum payment for accumulated sick leave at retirement is limited as specified in the respective employment agreement.

SECTION VII. All permanent, non-uniform, non-contractual, full time employees shall be entitled to the same rights, privileges and benefits including but not limited to longevity, holidays, personal days, vacations, sick leave, maternity leave, jury duty, bereavement leave, leave of absence, educational leave and health insurance as set forth in the current labor contract of the non-uniform Clerical Employees.

All non-uniform employees shall be entitled to health and hospitalization coverage in the City's insurance program if employed as a full time employee. As of January 1, 1996, an employee must have ten (10) years of continuous service with the City of Ventnor City to be eligible for participation in the City's Group Health Insurance plan upon retirement. A full time employee is defined for this section as being employed

in a Civil Service title set forth within this Ordinance, working no less than thirty-five (35) hours per week and employed for more than ninety (90) consecutive business days.

Medical Benefits: The City agrees to continue to provide health insurance coverage at least equal to health insurance coverage as currently in effect for all employees and the dependents of those employees currently covered by this agreement at the City's expense. However, employees shall be responsible for payment of 1.5% of their base salary, or any other additional amount required concerning health insurance required by law, through withholding from their pay, as a contribution for health benefit coverage. The term base salary shall mean the salary on which an employee's pension contribution or equivalent defined contribution retirement program salary is based. However, for employees hired after July 2007 for whom pensionable salary is limited to the salary on which social security contributions are based, the employees' total pensionable salary plus defined contribution retirement program eligible based salary would be used.

Benefit Waiver: The City agrees to pay a health benefit waiver stipend of twenty-five percent (25%) of the amount saved by the City because of the waiver of coverage or Five Thousand Dollars (\$5,000.00), whichever is less, if an employee covered herein agrees to waive participation in the City's health benefit plan, provided said employee agrees to be excluded for the entire calendar year and can document that the employee's spouse has health benefit coverage. Employees waiving participation shall receive payment in 12 equal monthly installments to be paid at the end of each month. Employees and their covered dependants may re-enter the city health benefit plan at any time with no re-enrollment penalty or delay if spouse's coverage is eliminated involuntarily.

SECTION VIII. Should death occur during employment to any employee with twenty (20) years or more service to the City of Ventnor City, all benefits accrued by said employee shall be payable to said employee's estate.

SECTION IX. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION X. Reimbursement for business related travel shall be calculated at the standard mileage rate then in effect as determined and published from time to time by the Internal Revenue Service.

SECTION XI. Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION XII. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Date of Introduction: March 15, 2012

Publication: March 19, 2012

**Public Hearing
& Adoption** April 19, 2012

ORDINANCE 2012-07

CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

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

WHEREAS, the Board of Commissioners of the City of Ventnor in the County of Atlantic finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Board of Commissioners hereby determines that a 1.0% increase in the budget for said year, amounting to \$203,534 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Ventnor, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the City of Ventnor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$712,367, and that the CY 2012 municipal budget for the City of Ventnor be approved and adopted in accordance with this ordinance.

BE IT FURTHER ORDAINED that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

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

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

FIRST READING March 15, 2012

PUBLICATION March 19, 2012

PUBLIC HEARING
& ADOPTION April 19, 2012

ORDINANCE NO. 2012-08

**AN ORDINANCE AMENDING SECTION 214-32
OF THE CODE OF THE CITY OF VENTNOR
RELATING TO TIME LIMIT PARKING**

WHEREAS, State statute allows municipalities to establish time limit parking on certain streets contained within the municipality; and

WHEREAS, the Commissioners of the City of Ventnor are desirous of replacing the 15 minute parking restriction on the North side of Ventnor Avenue between Sacramento and Portland Avenues with a 45 minute parking restriction; and

WHEREAS, the Commissioners of the City of Ventnor have been petitioned to consider the replacement of metered parking spaces existing on the 6400 and 6500 blocks of Ventnor Avenue with 45 minute parking restrictions.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Ventnor City, County of Atlantic, New Jersey as follows:

SECTION I. Section 214-32 of the Code of the City of Ventnor shall be amended by read as follows:

| <u>Name of Street</u> | <u>Side</u> | <u>Hours</u> | <u>Maximum Time (minutes)</u> | <u>Location</u> |
|-----------------------|-------------|----------------------------------|---------------------------------------|---|
| Ventnor Ave | North | 8:00a.m. to 12:00 Midnight | 45 | From the east side of New Haven Avenue to a point 156 feet east Portland Avenue |
| Ventnor Ave | South | 8:00am to 12:00 Midnight | 45 | From the east side of New Haven Avenue to the west side of Portland Avenue |

SECTION II. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION III. Should any section, clause, sentence, phrase, provision, or application of the Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect, impair, or invalidate the remaining portions of this Ordinance.

SECTION IV. This Ordinance shall take effect on final passage, approval and publication.

FIRST READING March 15, 2012

PUBLICATION March 19, 2012

PUBLIC HEARING
& ADOPTION April 19, 2012