



CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201

Carie A. Crone, RMC
Municipal Clerk

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CITY COUNCIL

July 16, 2015

REGULAR MEETING - 7:00 PM

AGENDA

FLAG SALUTE

INVOCATION – Pastor Richard Younger
Living Water Wesleyan Church, Pleasantville

ROLL CALL

PRESIDENT’S STATEMENT ON THE SUNSHINE LAW

NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED

REPORTS Council Committees
Mayor
Administrator/CFO
Engineer
Clerk

PUBLIC PORTION

REGULAR MEETING AGENDA

2015 ORDINANCES FOR INTRODUCTION

- 11** Amending the Code of the City of Absecon Chapter 3 – Administrative Code creating Section 3 – Recreation Director.
- 12** Amending the Code of the City of Absecon, Chapter 250 – Parks, Playgrounds and Recreation Areas, Adding Section 5 – “No Trespassing”.
- 13** Ordinance accepting conveyance of land known as Block 26, Lot 2.01 on the Absecon City Tax Map as a gift and authorizing city representatives to take all actions necessary to effectuate such conveyance.

2015 ORDINANCES FOR FINAL ADOPTION

- 09** Creating Section 150 of the Code of the City of Absecon entitled “Rental Property, Registration and Certificate of Habitability”.
- 10** Establishing Salary Ranges for the City of Absecon.

CONSENT AGENDA

- 126** Resolution authorizing the hiring of a part time Plumbing Sub Code Official, namely Thomas M. McGonigle.
- 127** To allow use of Heritage Park to the 08201 Reunion Group.
- 128** To allow use of Heritage Park for the Art in the Park.
- 129** Amending the previous CDBG/Home Cooperation Agreement.

APPROVAL OF BILL LIST - \$

APPROVAL OF MINUTES

Regular Meeting Minutes – 6/18/2015

PUBLIC PORTION

ADJOURNMENT

CITY OF ABSECON

RESOLUTION 129-2015

**A RESOLUTION AMENDING THE PREVIOUS CDBG/HOME
COOPERATION AGREEMENT**

WHEREAS, Atlantic County was notified by letter dated October 27, 2000, from the United States Department of Housing and Urban Development (hereafter "HUD") announcing that the County of Atlantic qualified to receive a Formula Allocation for the Community Development Block Grant Program (hereafter the "Urban County Program") for the fiscal year 2001, 2002 and 2003; and

WHEREAS, it is necessary to provide documentation to HUD every three years to re-qualify the Urban County (hereafter "County") to continue to receive a formula allocation for the next three federal fiscal years; and

WHEREAS, it is necessary for the County to submit the qualifying documentation to HUD by July 24, 2015 to re-qualify for Fiscal Years 2016, 2017 and 2018; and

WHEREAS, in order to participate with the County in the Urban County Program for these years it is necessary for the Local Government to enter into a Cooperation Agreement with the County and other local governments; and

WHEREAS, the Local Government may not apply for grants or appropriations under the Small Cities or State CDBG Programs for the fiscal years during the period in which it participates in the Urban County CDBG Program, and

WHEREAS, the City of Absecon desires to join with the County in the Urban County program; and

WHEREAS, the Interlocal Services Act NJSA 40:8A-1 et seq. Authorizes counties and municipalities to enter into agreements for the provision of joint services; and

WHEREAS, the execution of the Cooperation Agreement does not require the Local Government to expend municipal funds;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Absecon as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached amendment to the Cooperation Agreement with the County, and other local governments, in substantially the following form with such minor changes as may be required by HUD.

2. This amendment along with Cooperation Agreement shall be effective for the remaining year of the Urban County Qualification period (Federal fiscal years beginning October 1, 2016, October 1, 2017 and October 1, 2018) and shall be automatically renewed for participation in successive three year qualification periods unless the County or the City of Absecon provides written notice it elects not to participate for a new qualification period.
3. HUD requires that this Cooperation Agreement may have to be amended to incorporate changes necessary to comply with federal requirements for future qualification periods. Failure to comply will void the automatic renewal for such qualification period.
4. All resolution or parts of resolutions inconsistent with this Resolution are hereby repealed to the extent of their inconsistency.
5. The Clerk is hereby directed to provide a certified copy of this Resolution together with the annexed Cooperation Agreement, duly executed, to the County executive.

Dated: July 16, 2015

**This is to certify that this is a true
Copy of a Resolution adopted by the
Council of the City of Absecon at a
regular meeting held on July 16, 2015.**

**ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk**

**CITY OF ABSECON
ORDINANCE 11-2015**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON
CHAPTER 3 – ADMINISTRATIVE CODE CREATING
SECTION 3- RECREATION DIRECTOR**

WHEREAS, The Council of the City of Absecon is desirous of supporting and promoting recreation and athletic activities for participants of all ages within the City; and

WHEREAS, in order to further such goals, the Council of the City of Absecon is desirous of establishing the position of Recreation Director; and

WHEREAS, the Recreation Director will ensure that all recreational and sports activities conducted in the City of Absecon shall be done so in an organized, efficient, and beneficial fashion which will benefit the welfare of residents and visitors to the City.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Absecon, County of Atlantic, State of New Jersey, that Chapter 3-103 of the Code of the City of Absecon shall be amended as follows:

SECTION 103 - Recreation Director

- A. There is hereby established in the City of Absecon the part-time position of Recreation Director.
- B. The Recreation Director shall be appointed by the City Council.
- C. The salary of the Recreation Director shall be as established in the Salary Ordinance of the City of Absecon.
- D. Duties. The duties of the Recreation Director shall include, but not be limited to, the following:
 - 1. Be a liaison between the City and ASAC, the parks and playgrounds committee, the Absecon Blue Devils, the Absecon Board of Education, the American Legion, the Absecon travel basketball team, all cheerleading squads, and any and all other organizations using fields or recreation areas in the City of Absecon.
 - 2. Insure that all fields are prepared and maintained in excellent condition and are game-ready when athletic events are scheduled.
 - 3. Manage the Concerts in the Park series and communicate with Public Works as necessary.
 - 4. Oversee the use and maintenance of all bathrooms and concession stands at recreation facilities within the City of Absecon.
 - 5. Schedule the use of all fields.
 - 6. Insure that all coaches have complied with the background check Ordinance of the City of Absecon and have been determined as eligible to coach.

7. Insure that all coaches are advised of all Laws, Ordinances, rules and regulations in effect in the City of Absecon and coordinate compliance with the same.

8. Schedule all referees, umpires, or other game officials as necessary.

9. Perform any and all other tasks necessary for the efficient operation of athletic and recreation activities within the City of Absecon and perform any additional tasks as may be directed from time to time by the City Administrator.

10. The Recreation Director shall report to the City Administrator and shall meet with her as frequently as she determines to keep her informed of the activities and operation of athletic teams and other recreational programs, events and facilities.

11. The Recreation Director shall meet with all coaches and recreational organizations as frequently as necessary to insure full compliance with this Ordinance.

E. The Recreation Director shall be considered a salaried, part-time employee and shall not be entitled to any health or other benefits or any compensatory time, holiday time, vacation time, sick time, or any remuneration other than the salary as established by the Salary Ordinance.

BE IT FURTHER ORDAINED, that if any section, paragraph, sub-section, clause, or provision of this Ordinance shall be adjudged by a Court or other competent body to be invalid, such adjudication shall apply only to the section, paragraph, sub-section, clause, or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinances or parts thereof in conflict with the provisions of this Ordinance, are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner as prescribed by law. This Ordinance shall take effect upon final adoption and publication as required by law.

DATED:

SIGNED: _____
John R. Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

ORDINANCE 12-2015

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON,
CHAPTER 250-PARKS, PLAYGROUNDS AND RECREATION AREAS,
ADDING SECTION 5 – “NO TRESPASSING”**

WHEREAS, officials of the City of Absecon determine, from time to time, that it is appropriate and necessary to designate certain areas located in city parks, playgrounds, boat ramps, or other public spaces as “No Trespassing” areas; and

WHEREAS, “No Trespassing” areas will be marked with “No Trespassing” signs; and

WHEREAS, the establishment of “No Trespassing” areas is for the protection of the public and advances the health, safety, and welfare of residents and visitors to the City of Absecon.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Absecon, County of Atlantic, State of New Jersey, that Chapter 250-5 of the City Code shall be amended as follows:

Section 250-5 “No Trespassing”

The Administrator of the City of Absecon is granted the authority to establish “No Trespassing” areas in the parks, playgrounds, boat ramps, and other public spaces owned by the City of Absecon. The “No Trespassing” areas will be as designated by the City Administrator who may consult with the Chief of Police, or his designee, prior to declaring an area a no trespassing area. The Public Works Department is authorized, at the direction of the City Administrator, to place “No Trespassing” signs in an around any area designated as a “No Trespassing” area. Any person or other entity that violates this section shall be subject to the penalties as set forth in Section 250-4 of the Code of the City of Absecon for each separate offense.

BE IT FURTHER ORDAINED, that if any section, paragraph, sub-section, clause, or provision of this Ordinance shall be adjudged by a Court or other competent body to be invalid, such adjudication shall apply only to the section, paragraph, sub-section, clause, or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinances or parts thereof in conflict with the provisions of this Ordinance, are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner as prescribed by law. This Ordinance shall take effect upon final adoption and public as required by law.

DATED:

SIGNED: _____
John R. Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

ORDINANCE 13-2015

**ORDINANCE ACCEPTING CONVEYANCE OF LAND KNOWN AS
BLOCK 26; LOT 2.01 ON THE ABSECON CITY TAX MAP AS A GIFT
AND AUTHORIZING CITY REPRESENTATIVES TO TAKE ALL ACTIONS
NECESSARY TO EFFECTUATE SUCH CONVEYANCE**

WHEREAS, Raymond M. Beebe, Esquire, representing the Estate of Marguerite Ganio, who is the record owner of the property identified as Block 26, Lot 2.01 as shown on the Absecon City tax map (the property) and has offered to convey the property to the City of Absecon as a gift and for the payment of \$1.00 as nominal consideration of such conveyance; and

WHEREAS, the city is authorized by law to accept such conveyance as a gift by Ordinance if it is deemed to be in the interest of the city to do so; and

WHEREAS, there is no building or structure on the property; and

WHEREAS, the city proposes to acquire the property for future use, but has not yet determined the nature of such use and does not intend the property to be governed by the New Jersey Green Acres Open Space regulations at this time; and

WHEREAS, the city's acceptance of such conveyance is subject to the property owner passing clear title to the property as evidenced by a title search, a copy of which has been forwarded to the city, and being further subject to the property owner's execution of a Deed of Conveyance to the city, and subject further to a certification by the property owner that, to their knowledge, there is no environmental contaminants or hazards at the property.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Absecon, County of Atlantic, State of New Jersey, that the city clerk, city attorney, and such other authorized representatives of the city are hereby directed to take those actions reasonably required to effect conveyance of the property from the grantor subject to the terms and conditions set forth herein.

DATED:

SIGNED: _____
John R. Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

CITY OF ABSECON

ORDINANCE 09-2015

AN ORDINANCE OF THE CITY OF ABSECON CREATING SECTION 251
OF THE CODE OF THE CITY OF ABSECON ENTITLED "RENTAL PROPERTY,
REGISTRATION AND CERTIFICATE OF HABITABILITY"

WHEREAS, uninspected rental units within the City of Absecon can lead to hazardous conditions and can negatively impact the health, safety and welfare of residents of the City of Absecon; and

WHEREAS, by establishing a rental registration ordinance substandard rental properties within the City of Absecon will be required to conform with all appropriate Codes and ordinances in effect within the City; and

WHEREAS, authorizing officials of the City of Absecon to inspect rental properties shall prevent tenants from living in substandard properties.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON, NEW JERSEY:

1. **SECTION 251-1** of the Code of the City of Absecon shall read as follows:

Definitions. The following words or phrases when used in this Section shall have the following meanings:

Agent or Manager. An individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this Section. The term does not necessarily mean a licensed real estate broker or sales person of the State of New Jersey however, such term may include a licensed real estate broker or sales person of the State of New Jersey if such a person is designated by the owner as his agent.

Building. Any building or structure or part thereof used for human habitation, use or occupancy, and includes any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

Change of Occupancy Inspection. The inspection which is conducted when a change of tenancy has occurred in a dwelling unit.

Dwelling Unit. Any room or rooms, suite or part thereof, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any other servants, agents or employees. This definition applies only to those dwelling units, including single family residences, which are available for lease or rental purposes.

Habitable Room. A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments laundries, pantries, foyers or communicating corridors, closets and storage space.

Initial Inspection. The first inspection each year for a specific property to obtain a certificate of habitability or a change of occupancy inspection, whichever occurs first.

Lodging Unit. A room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.

Manager. See "agent".

Owner. The person who owns, purports to own or exercises control over any building.

Person. An individual, firm, corporation, partnership, association, trust, LLC or other legal entity or any combination thereof.

Reinspection. The inspection which occurs after a failed initial inspection.

Rental Unit. Includes the terms dwelling, building, dwelling unit, habitable room or lodging unit as defined by this Section. This definition shall not apply to any single family home which is not available for rental purposes.

Secondary Reinspection. Any inspection which occurs after a failed reinspection.

Sleeping Accommodations. The number of individuals who may be properly accommodated in the beds of the sleeping facilities located within a rental unit. A standard single bed shall count as a proper accommodation for one individual and a standard double bed as a proper accommodation for two individuals.

Tenant. The person or persons to whom a rental unit is leased or rented by the owner.

2. **SECTION 251-2** of the Code of the City of Absecon shall read as follows:

Registration Required. All rental units shall hereafter be registered with the Construction Official or his designee on forms which shall be provided for that purpose which shall be obtained from the Construction Official or his designee. Such registration shall occur on an annual basis as provided herein.

3. **SECTION 251-3** of the Code of the City of Absecon shall read as follows:

Term of Registration. Each rental unit shall be registered initially and inspected at least one (1) time annually. Once a rental unit is registered and has passed inspection a certificate of habitability shall issue which is valid for a period of one year. No rental unit shall hereafter be rented unless the rental unit has been registered and inspected in accordance with this section.

4. **SECTION 251-4** of the Code of the City of Absecon shall read as follows:

Inspections.

A. Each rental unit shall be inspected at least once a year. For the initial year of 2015 all rental units must be registered within sixty (60) days of the adoption of this Ordinance. It is specifically the purpose of this Ordinance that any registration is subject to the initial inspection which is to occur during 2015 and said registration can be revoked or not issued without the necessity of a hearing for any rental unit which has registered but failed the initial inspection.

B. Such inspection shall be for the purpose of determining compliance with the Municipal Land Use Article, the Housing Code and/or the UCC Code, the Uniform Fire Code of the State of New Jersey and the BOCA National Property Maintenance Code.

C. The fee for registration shall be \$25.00, the fee for an inspection shall be \$75.00 and the fee for any reinspection shall be \$25.00.

D. In the event that any inspection, reinspection or secondary reinspection of a rental unit does not result in a satisfactory determination, such property shall not thereafter be certified as habitable and any owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property until the necessary repairs have been made to bring the property and rental unit into compliance with the applicable Code and the property thereafter subsequently becomes certified as habitable. When unsatisfactory conditions are discovered, all such repairs shall be made as described by the applicable Codes referred to in Subsection B of this section. In the event that said Codes do not specify a date by which repairs shall be made, then in that event all repairs shall be made within sixty (60) days from the date of notification of a failed inspection, reinspection or secondary reinspection, and if not made within the time period the owner shall be deemed in violation of this article and every day that the violation continues shall constitute a separate offense. If, however, the property is occupied at any time any inspection, reinspection or secondary reinspection takes place, which inspection, reinspection or secondary reinspection results in an unsatisfactory condition being discovered, then in that event the tenants/occupants shall be permitted to remain in the property, with the owner being given the time allowed by Code or a sixty (60) day time period as mentioned above to correct the deficiency. If the deficiency is not corrected within the sixty (60) day period, then in that event, the tenant/occupant shall be required to vacate. If at the time of any inspection, reinspection or secondary reinspection an unsatisfactory condition is found, which unsatisfactory condition is deemed to be a immanent hazard as determined by the Inspector, then in that event the Construction Official shall have a right to cause immediate vacating of the property in order to protect the tenant/occupant from any imminent hazard within the unit as inspected.

E. In addition to the registration, inspection and reinspection fee set forth as required by this article, there shall be an additional fee for each and every secondary reinspection which occurs at any one property during any one calendar year.

5. **SECTION 251-5** of the Code of the City of Absecon shall read as follows:

Certificate of Habitability Required. Subsequent to December 31, 2015 no person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit within the City of Absecon if said rental unit has not been registered and received a Certificate of Habitability in accordance with this Article.

6. **SECTION 251-6** of the Code of the City of Absecon shall read as follows:

Issuance of Certificate of Habitability. Upon the filing of the completed registration form, successful completion of the necessary inspections and payment of the prescribed fees, an owner shall be entitled to the issuance of a Certificate of Habitability. Each Certificate of Habitability shall specify the number of allowed rental units and the number of occupants allowed in each rental unit. For the purpose of this Article, each condominium unit shall be treated as a separate and distinct rental unit if the same is leased.

7. **SECTION 251-7** of the Code of the City of Absecon shall read as follows:

Fees. At the time of filing the rental registration form, the owner shall pay all necessary fees.

8. **SECTION 251-8** of the Code of the City of Absecon shall read as follows:

Registration Required. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28 or the tenant registration required by this City, all rental units shall be

registered as provided herein. Every owner, either personally or through his agent, shall file with the Construction Official or his designee a registration form for any rental unit located within the City of Absecon. Said registration form shall include the following information:

- A. The name and address of the record owner of the premises and the record owner of the rental premises, if not the same person. In the case of a partnership, the names and addresses of all general partners shall be provided together with the telephone numbers for each individual indicating where such individuals may be reached during both daytime and evening hours.
- B. If the record owner is a corporation, the name and address of the registered agent and the name and address of the person to be contacted for any reason regarding the rental unit, if other than the Registered Agent. All Shareholders owning ten percent (10%) or more of the shares of the corporation shall also be listed.
- C. If the address of any record owner is not located in the City of Absecon the owner shall designate an agent or manager who resides in the City of Absecon, or a real estate agent or broker who is employed at an office located within the City of Absecon, and who is authorized by the owner to perform any duty imposed upon the owner by this article.
- D. The name, address and telephone number of an individual representative of the record owner or manager or agent located in the City of Absecon who may be reached or contacted at any time in the event of an emergency affecting the premises or any rental unit therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.
- E. The name and address of every holder of a record mortgage on the premises.
- F. If fuel oil is used to heat the building and it is the landlord's responsibility to furnish heat to the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
- G. As to each rental unit, specification of the exact number of sleeping rooms contained in the rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the rental unit and by the square footage thereof. In order to satisfy the requirements of this provisions, an owner shall submit a floor plan which shall become a part of the registration application and which shall be attached to the registration form when filed with the Fire Official or his designee.
- H. Such other information as may be required from time to time by the City of Absecon.

SECTION 251-9 of the Code of the City of Absecon shall read as follows:

Public Access To Registration Forms. The Construction Official or his designee shall index and file the rental registration form and make it reasonably available for public inspection. In doing so, the Construction Official or his designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the rental registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it

applies to the property being registered and will also satisfy the rental registration requirements of this Article. The Construction Official or his designee shall maintain a Master Index of all such rental registration forms and any person may obtain from the Construction Official or his designee a list of all properly registered rental units upon payment of the appropriate fees.

SECTION 251-10 of the Code of the City of Absecon shall read as follows:

Amended Registration Forms. Every person required to file a rental registration form pursuant to this Article shall file an amended rental registration form within twenty (20) days after any change in the information required to be included thereon.

SECTION 251-11 of the Code of the City of Absecon shall read as follows:

Form To Be Provided To Occupant; Exceptions. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this Article. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel/Motel Multiple Dwelling Act. This provision may be complied with by posting a copy of the rental registration form in a conspicuous place within the rental unit.

SECTION 251-12 of the Code of the City of Absecon shall read as follows:

Limitation On Occupancy. Each owner of a unit registered pursuant to this Article shall be permitted to lease or rent said rental unit to a number of registered tenants, which number shall not exceed the number which is computed in accordance with the following:

- A. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
- B. Rental units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements as set forth in this Article or the applicable State or nationwide Code adopted within the City of Absecon. If there is a discrepancy regarding the number of occupants permitted pursuant to this Article and any such Code, the requirements of the Code shall govern.
- C. Combined living room and dining room spaces shall comply with the requirements of this Article.
- D. The maximum allowable number of people on any deck shall be one person per nine square feet.

SECTION 251-13 of the Code of the City of Absecon shall read as follows:

Violation Of Occupancy Requirements; Enforcement.

- A. It shall be unlawful and in violation of this Article for an owner or tenant of a any registered rental unit to allow a number of people greater than the permitted maximum number of occupants to rent or occupy any dwelling unit. It shall also be a violation of this Article to lease a rental unit to a number or group of tenants which exceeds the total number of sleeping accommodations which has been established for said rental unit pursuant to this Article. It shall also be unlawful for any tenant or an owner of a dwelling unit to knowingly permit a number people greater than the maximum number of sleeping accommodations to sleep in or

occupy the dwelling unit overnight. It shall also be unlawful for a tenant or an owner to allow a number of people greater than the maximum number of people permitted to occupy the decks or porches of a rental area to occupy the decks or porches of said rental unit.

- B. Members of the police department or the City of Absecon and officials of the Absecon Construction Office are authorized to issue a summons for a violation of this Article to any owner or tenant that is found to be in violation.

SECTION 251-14 of the Code of the City of Absecon shall read as follows:

Payment Of Taxes And Charges Required. No rental unit shall be issued a Certificate of Habitability unless all municipal taxes, water charges, sewer charges and other municipal assessments or any fees owed pursuant to this Article are paid on a current basis.

SECTION 251-15 of the Code of the City of Absecon shall read as follows:

Revocation of Certificate Of Habitability; Hearing.

- A. Grounds. In addition to any other penalties prescribed herein an owner may be subject to a revocation or suspension of a Certificate of Habitability issued hereunder upon the happening of one or more of the following:
- (1) Conviction of a violation of this Article in the Municipal Court of the City of Absecon or any other Court of competent jurisdiction.
 - (2) Determination of a violation of this Article at a hearing held pursuant to Subsection B herein.
 - (3) A rental unit is permitted to be occupied by more than the maximum number of occupants as permitted under this Article.
 - (4) Maintaining the rental unit or units on the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.
- B. Procedures; written complaints; notice.
- (1) A complaint seeking revocation or suspension of the Certificate of Habitability may be filed by any one or more of the following officials of the City of Absecon: Chief of Police, Construction Code Official, Zoning Enforcement Officer or their designees. Such complaint should be in writing filed with the City Administrator or her designee. The complaint should be specific and should be sufficient to apprise the owner or tenant of the charges so as to permit a proper defense. The individual filing the complaint may do so on the basis of information and belief and need not rely on personal information.
 - (2) Upon the filing of such written complaint the City Administrator shall set a date for a hearing which shall not be sooner than ten (10) nor more than thirty (30) days thereafter. The City Administrator or her designee shall forward a copy of the complaint and a notice as to the date of the hearing to the owner, manager or agent, if any at the address indicated on the registration form. Notice served upon the manager or agent shall be

deemed sufficient for the purposes of this article.

- (3) The hearing required by this article shall be held before the City Administrator unless in her discretion she determines that the matter should be heard by a Hearing Officer who shall be appointed by the City. If the matter is referred to a Hearing Officer such Officer shall transmit his findings of fact and conclusion of law to the City Administrator within thirty (30) days of the conclusion of the hearing. The City Administrator shall then review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before such Hearing Officer. In the event that the matter is not referred to a Hearing Officer and is heard by the City Administrator, then the City Administrator shall render a decision within thirty (30) days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the Certificate of Habitability or determining that the Certificate of Habitability shall not be renewed or reissued for one or more subsequent licensed years.
- (4) A tape recording of the hearing shall be kept for a period of forty-five (45) days after said hearing. A transcript of said hearing will be supplied upon request to the City of Absecon and upon payment of an appropriate fee as determined by the length of the hearing. All witnesses shall be sworn prior to testifying. The strict Rules of Evidence shall not apply and evidential rules and burden of proof shall be that which generally control administrative hearings.
- (5) The City Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

SECTION 251-16 of the Code of the City of Absecon shall read as follows:

Certificate Of Habitability.

- (A) Every owner or agent shall obtain from the City of Absecon a Certificate of Habitability for each rental unit which is rented in the City of Absecon.
- (B) Every owner or agent of a rental unit shall obtain from the City of Absecon an initial Certificate of Habitability for each rental unit required to obtain the same pursuant to this article. For the initial years of 2015 and 2016, all rental units must receive a Certificate of Habitability on or before January 1, 2016. Every owner or agent of a rental unit which requires a Certificate of Habitability shall obtain said Certificate from the City of Absecon at any time as required by this article, including but not limited to any time a change in one or more tenants occurs or any time the premises are rented or leased.
- (C) Once an application for a Certificate of Habitability has been made to the City of Absecon, the appropriate officials shall conduct an inspection of the rental unit to determine if the same complies with all applicable articles, codes, regulations and statutes. If the determination is made that a rental unit is in compliance with all ordinances, codes, regulations and statutes and it is further determined that the appropriate fee has been paid for a Certificate of Habitability and all municipal taxes, water charges, sewer charges and other municipal assessments are paid in full, said Certificate of Habitability will be issued by the appropriate officials of the City of Absecon.

- (D) By filing an application either personally or through an agent, the owner consents to representatives of the City of Absecon entering the premises for the purpose of conducting an inspection.

SECTION 251-17 of the Code of the City of Absecon shall read as follows:

Violations And Penalties. In addition to the penalties set forth in N.J.S.A. 46:8-35, any person who violates any provision of this article shall, upon conviction in the Municipal Court of the City of Absecon or such other court having jurisdiction, be liable for a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for a term not exceeding ninety (90) days; or by a period of community service not exceeding 90 days, or by any one or more of the above as determined by the Municipal Court Judge. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this article.

SEVERABILITY

If any section or part of this Chapter is deemed to be invalid or illegal in any Court of competent jurisdiction then said part is severable from this Chapter as a whole and the remaining sections or parts of this chapter shall remain in full force and effect.

EFFECTIVE DATE

This ordinance shall become effective upon passage and publication pursuant to law.

REPEALER. Any ordinance or section thereof, inconsistent with this ordinance shall be repealed.

DATED: July 16, 2015

SIGNED: _____
John R. Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a work meeting of the Municipal Council held on July 2, 2015. Laid over and advertised for public hearing and final adoption on July 16, 2015.

CITY OF ABSECON

ORDINANCE 10-2015

**AN ORDINANCE ESTABLISHING SALARY RANGES
FOR THE CITY OF ABSECON**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ABSECON CITY,
NEW JERSEY** that this ordinance hereby adds job titles to ordinance 14 of
2014. This ordinance reads as follows:

Part Time Deputy City Clerk	\$	20.00 to	25.00	Per Hour
Part Time Tax Clerk	\$	20.00 to	25.00	Per Hour
Part Time Recreation Director	\$	2,500.00 to	7,500.00	Per Annum

DATED: July 16, 2015

**SIGNED: _____
John R. Armstrong, Mayor**

**ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk**

**Passed on first reading at a regular meeting of the Municipal Council held on July
2, 2015. Laid over and advertised for public hearing and final adoption on July
16, 2015.**

CITY OF ABSECON

RESOLUTION 126-2015

**A RESOLUTION AUTHORIZING THE HIRING OF A PART TIME
PLUMBING SUB CODE OFFICIAL FOR THE CITY OF ABSECON**

WHEREAS, there is a need to hire a part time Plumbing Sub Code Official for the City of Absecon; and

WHEREAS, the advertising and interview process has been completed; and

WHEREAS, Thomas M. McGonigle meets the qualification of the position and has agreed to accept the position.

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the City of Absecon, that effective July 13th, 2015, Thomas M. McGonigle be hired as the part time Plumbing Sub Code Official for the City of Absecon at an annual compensation of \$12,000.00.

Dated: July 16th, 2015

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held on July 16, 2015**

**ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk**

CITY OF ABSECON

RESOLUTION 127-2015

**A RESOLUTION TO ALLOW USE OF HERITAGE PARK
TO THE 08201 REUNION GROUP**

WHEREAS, the 08201 Reunion Group has requested to use Heritage Park for a reunion event on August 29th from 12:00 pm to 6:00 pm, and have submitted the required Use of Facilities Agreement; and

WHEREAS, the Use of Facilities Agreement sets forth rules and regulations regarding the use of park areas and requires applicants to comply with City Ordinance 10-2014 and any subsequent amendments adopted; and

WHEREAS, authorization to use the park is subject to the receipt of a certificate of insurance and security deposit as required by the Use of Facilities Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Absecon, that the 08201 Reunion Group is hereby authorized to use Heritage Park on August 29th, 2015 subject to submission of the documents described above.

Dated: July 16, 2015

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held on July 16, 2015**

**ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk**

CITY OF ABSECON

RESOLUTION 128-2015

**A RESOLUTION TO ALLOW USE OF HERITAGE PARK
FOR THE ART IN THE PARK**

WHEREAS, the Absecon Cultural Arts Alliance, Inc. has requested to use Heritage Park for an "Art in the Park" event on October 10th, 2015 with a rain date of October 11th, 2015, from 10:00 am to 4:00 pm, and have submitted the required Use of Facilities Agreement; and

WHEREAS, the Use of Facilities Agreement sets forth rules and regulations regarding the use of park areas and requires applicants to comply with City Ordinance 10-2014 and any subsequent amendments adopted; and

WHEREAS, authorization to use the park is subject to the receipt of a certificate of insurance and security deposit as required by the Use of Facilities Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Absecon, that Absecon Cultural Arts Alliance, Inc. is hereby authorized to use Heritage Park on October 10th, with a rain date of October 11th, 2015 subject to submission of the documents described above.

Dated: July 16, 2015

**This is to certify that this is a true
copy of a Resolution adopted by the
Council of the City of Absecon at a
Regular Meeting held on July 16, 2015**

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk