

**MINUTES
REGULAR MEETING OF THE
BOROUGH OF SHIP BOTTOM
FEBRUARY 27, 2024
6:30 PM**

1. **CALL CAUCUS TO ORDER**

The Mayor called the meeting to order at 6:32 PM

2. **FLAG SALUTE AND PRAYER**

The Mayor led the flag salute and the clerk read the prayer

3. **STATEMENT OF NOTICE**

The clerk read the following statement:

Pursuant to the Open Public Meetings Act both adequate and electronic notice of this meeting has been provided by posting on the bulletin board in the Municipal Building, on the Borough website and mailing the same to the Beach Haven Times, the Asbury Park Press and the Press of Atlantic City.

4. **ROLL CALL**

The following members were present:

COUNCILMAN ENGLISH
COUNCILMAN BUTKUS
COUNCILMAN ROSSI
COUNCILMAN HARTMAN
COUNCILMAN TALLON
COUNCILMAN VALYO

Also present:

Kathleen Flanagan, CFO/Borough Coordinator
Kristy DeBoer, Municipal Clerk

5. **CAUCUS DISCUSSION**

1. Officer Recognition -Scheduled for March 26th
2. Traffic Light on 31st Street

The Mayor explained that the county requested a letter to do a study as to whether a light would be beneficial on 31st Street. Council agreed to send the letter.

6. **CALL REGULAR MEETING TO ORDER**

The Mayor called the regular meeting to order.

7. **APPROVAL OF MINUTES**

January 23, 2024 Regular Minutes

The minutes were approved as presented with a motion by Councilman Rossi, seconded by Councilman Hartman. A roll call vote was heard with five in the affirmative, Councilman Butkus abstained.

8. **NEW BUSINESS
RESOLUTIONS**

Mayor Huelsenbeck announced each resolution and the Clerk read the title of each. The vote is depicted within each resolution.

1. 2024-44 Bills List

**RESOLUTION 2024-44
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS
IN THE AMOUNT OF \$808,152.90**

WHEREAS, the Finance Committee of the Borough of Ship Bottom has examined the vouchers presented for payment.

NOW, THEREFORE BE IT RESOLVED that the approved vouchers in the amount of \$808,152.90 to be authorized to be paid upon verification of the Chief Financial Officer that there is sufficient money in the appropriated accounts, subject to adequate signatures and funding.

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Motion: Councilman Hartman
Second: Councilman Tallon
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo, all aye.

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on February 27, 2024.

Kristy DeBoer, RMC
Municipal Clerk

2. 2024-45 Appointing Special Law Enforcement Officers

**RESOLUTION 2024-45
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE APPOINTMENT AND EMPLOYMENT
OF SPECIAL LAW ENFORCEMENT OFFICERS**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that the following be appointed and employed for the summer season at the listed rate of pay. Appointments are pending acceptable background check

Ryan Dugan	Class I Officer	\$20.00 per hour
Joseph Fiorello	Class I Officer	\$20.00 per hour
Christian Dugan	Class I Officer	\$20.00 per hour
Bryan Laureigh	Class I Officer	\$20.00 per hour

Motion: Councilman Rossi
Second: Councilman English
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo, all aye.

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on February 27, 2024.

Kristy DeBoer, RMC
Municipal Clerk

3. 2024-46 Authorizing Bid Opening-Ice Cream Vendors

**RESOLUTION 2024-46
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE SALE OF PEDDLERS LICENSES
BY OPEN PUBLIC AUCTION**

WHEREAS, Ordinance No. 2018-04 provides that the number of licenses for peddlers or hawkers shall be limited to three (3) licenses per year which shall be issued by Open Public Sale at Auction to the three (3) highest bidders after public advertising therefor; and

WHEREAS, Ordinance No. 2018-04 further provides that the governing body may, by resolution, fix a minimum price, with or without the reservation of the right to reject all bids when the highest bids are not accepted. Notice of such reservation shall be included in the advertisement of the sale and public notice thereof shall be given at the time of sale; and

WHEREAS, the invitation to bid may also impose restrictions and conditions on the issuance of such licenses, in the like manner and to the same extent as by any other vendor; and

WHEREAS, it is the desire of the governing body to advertise for the receipt of bids for three (3) peddlers licenses at Open Public Auction; and

WHEREAS, the minimum price for each license shall be \$5,000.00. Each license shall include one (1) truck and two (2) drivers.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Ship Bottom, County of Ocean, State of New Jersey as follows:

1. That the governing body does hereby authorize receipt of bids at Open Public Auction for three (3) peddlers licenses. The Borough shall determine the time, date and place for the receipt of said bids.
2. That the minimum price for each license shall be \$5,000.00. Each license shall include one (1) truck and

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two (2) drivers.

3. That a Notice to Bidders shall be published in regard to the receipt of bids at Open Public Auction for three (3) peddlers licenses in accordance with the conditions of sale prepared by the municipality.
4. That a certified copy of this resolution shall be forwarded by the Municipal Clerk to the Chief Financial Officer.

Motion: Councilman Valyo
Second: Councilman Butkus
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo, all aye.

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on February 27, 2024.

Kristy DeBoer, RMC
Municipal Clerk

4. 2024-47 Authorizing Application for Cops in Shops Grant
RESOLUTION 2024-47

RESOLUTION AUTHORIZING THE BOROUGH OF SHIP BOTTOM POLICE DEPARTMENT TO PARTICIPATE IN THE FFY 2024 NATIONAL PRIORITY SAFETY PROGRAM (CFDA NO. 20.616)

WHEREAS, the Borough of Ship Bottom Police is desirous to participate in the 2024 New Jersey Division of Alcoholic Beverage Control ("ABC") Cops in Shops FFY 2024 Grant# AL-24-07-02-02, Summer Shore Initiative 2024 supported by FFY 2024 National Priority Safety Programs (CFDA NO. 20.616); and

WHEREAS, the Borough of Ship Bottom Police Department hereby authorizes application to receive specific grant funds for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Ship Bottom, Ocean County, New Jersey that the grant identified below is hereby authorized to be submitted for approval.

- Sub-recipient: Borough of Ship Bottom Police Department
- Sub-award number: AL-24-07-02-02
- Sub-award period: May 24, 2023 - September 15, 2023
- Total amount of the award: To be determined

Motion: Councilman Tallon
Second: Councilman English
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo, all aye.

CERTIFICATION

I, Kristy DeBoer, RMC, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing resolution was duly adopted by the Municipal Council of the Borough of Ship Bottom at a regular meeting held on the 27th day of February, 2024, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 27th day of February, 2023.

Kristy DeBoer RMC, CMR
Municipal Clerk

5. 2024-48 Authorizing Application for Tourism Grant
RESOLUTION 2024-48
**RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE APPLICATION FOR AN
OCEAN COUNTY MATCHING
TOURISM PROMOTIONAL GRANT**

WHEREAS, the Ocean County Matching Tourism Promotional Grant Program has announced that funding is available to qualifying nonprofit organizations to promote tourism in Ocean County; and

WHEREAS, matching fund grants are available for 2024; and

WHEREAS, the Tourism Promotional Grant is to be used for promotion only.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that the Administrative Assistant is hereby authorized to apply to the Ocean County Matching Tourism Promotional Grant Program for a matching grant in the amount of \$7,750.00 to be used to promote tourism in the Borough of Ship Bottom.

Motion: Councilman Valyo
Second: Councilman Hartman
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo, all aye.

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on February 27, 2024.

Kristy DeBoer, RMC
Municipal Clerk

6. 2024-49 Change Order No 35 JH Williams-Municipal Building
**RESOLUTION 2024-49
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN, STATE OF NEW JERSEY
APPROVING MODIFICATION NO. 35
DATED JANUARY 15, 2024
NEW MUNICIPAL BUILDING**

WHEREAS, the Municipal Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey (the "Borough") has previously awarded a contract for the new Municipal Building to JH Williams Enterprises, Inc. at 513 Pleasant Valley Ave. Moorestown, NJ 08057; and

WHEREAS, the Borough has received Modifications Number thirty-five (35), resulting in an increase in the original contract amount by \$354,978.34, dated January 15, 2024 for the project and for a new total contract price of \$10,589,497.76; and

WHEREAS, the Borough finds that the recommendation is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED that on this 15th day of January, 2024 by the Municipal Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

1. The Borough accepts and approves Modification – Number thirty five (35) resulting in an increase in the contract price of \$354,978.34
7. The Borough authorizes and directs the Mayor and Borough Clerk to execute any and all necessary documents in order to implement the intent of this Resolution.
8. A certified copy of this Resolution shall be forwarded by the Borough Clerk to JH Williams Enterprises, Inc.

Motion: Councilman Valyo
Second: Councilman Tallon
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo, all aye.

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Mayor and Council at a regular meeting held on February 27, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 27th day of February.

Kristy DeBoer, RMC
Municipal Clerk

7. 2024-50 Awarding Contract to A Academy-Animal Control
**RESOLUTION 2024-50
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AWARDING A CONTRACT TO A-ACADEMY CAPTURE
CONTROL SERVICES**

WHEREAS, it is the desire of the governing body to award a contract for animal control services to A-Academy Animal Control Services; and

WHEREAS, The Chief Financial Officer for the Borough of Ship Bottom, does hereby certify that adequate funds are available for a service agreement with Christopher Cittadino FOR THE provision of A-Academy

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Animal Control for an amount not to exceed \$3,800. The funds which are available for this contract are found in the following line item appropriations or ordinances: Animal Control O&E; and

Kathleen Flanagan, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby award a contract for animal control services to A-Academy Animal Control Services in accordance with the bid submitted by A-Academy Animal Control Services.
2. That the Mayor and Municipal Clerk are hereby authorized to execute a contract with A-Academy Animal Control Services in accordance with the quotation submitted by A-Academy Animal Control Services and the bid specifications.
3. That the contract term shall be for period of one year, commencing January 1, 2024 and expiring on December 31, 2024 or upon 30 day's written notice by either party.
4. That a certified copy of this resolution, together with a copy of the contract between the parties, be forwarded to the Chief Financial Officer and to A-Academy Animal Control Services.

Motion: Councilman Rossi
Second: Councilman Butkus
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Tallon, Valyo, all aye. Hartman abstained.

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the Reorganization Meeting held on February 27, 2024.

Kristy DeBoer, RMC
Municipal Clerk

8. 2024-51 Amusement License Wainwright
**RESOLUTION 2024-51
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE ISSUANCE OF AN AMUSEMENT
GAMES LICENSE TO WAINWRIGHT AMUSEMENTS, LLC**

WHEREAS, Wainwright Amusements, LLC located at 702 Long Beach Blvd., New Jersey (hereinafter "applicant") has applied for an amusement games license in accordance with the Amusement Games Licensing Law, N.J.S.A. 5:8-10 et seq.; and

WHEREAS, the applicant has complied with State law and local ordinances and has submitted the proper application and license fees; and

WHEREAS, the Borough of Ship Bottom is a seashore resort and the premises to be licensed is located in an amusement or entertainment area according to the customary understanding of such terms in the municipality; and

WHEREAS, it is the desire of the governing body of the Borough of Ship Bottom to issue said license.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby authorize the issuance of an amusement games license to the applicant, Wainwright Amusements, LLC.. for the year of 2024.
2. That the issuance of said license shall be subject to a satisfactory criminal background examination conducted by the Ship Bottom Borough Police Department and compliance with any and all conditions of the Ship Bottom Land Use Board.
3. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief of Police of the Ship Bottom Police Department, Wainwright Amusements, LLC., and to the Legalized Games of Chance Control Commission together with a copy of the application endorsed by the municipality demonstrating the granting of such license within three (3) business days of the municipal license being granted.

Motion: Councilman Rossi
Second: Councilman Butkus

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(hereinafter "Applicant") has applied for an amusement games license in accordance with the Amusement Games Licensing Law, N.J.S.A. 5:8-10 et seq.; and

WHEREAS, the applicant has complied with the state law and local ordinances and has submitted the proper application and license fees; and

WHEREAS, the Borough of Ship Bottom is a seashore resort and the premises to be licensed is located in an amusement or entertainment area according to the customary understanding of such terms in the municipality; and

WHEREAS, it is the desire of the governing body of the Borough of Ship Bottom to issue said license.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby authorize the issuance of an amusement games license to the Applicant, Our Endless Summer, L.L.C.
2. That the issuance of said license shall be subject to a satisfactory criminal background examination conducted by the Ship Bottom Borough Police Department and compliance with the provisions of the memorializing resolution of the Ship Bottom Land Use Board, Docket No. 03-03 V/SP adopted March 19, 2003.
3. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief of Police of the Ship Bottom Borough Police Department, Our Endless Summer, L.L.C., and to the Legalized Games of Chance Control Commission together with a copy of the application endorsed by the municipality demonstrating the granting of such license within three (3) business days of the municipal license being granted.

Motion: Councilman Rossi
Second: Councilman Butkus
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Tallon, Valyo, all aye. Hartman abstained

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on February 27, 2024.

Kristy DeBoer, RMC
Municipal Clerk

11. 2024-54 Increase in Salary Recycling Coordinator
**RESOLUTION 2024-54
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
APPOINTING A RECYCLING COORDINATOR**

WHEREAS, the Borough of Ship Bottom is in need of a Certified Recycling Coordinator; and

WHEREAS, Matthew Bernstein, is working on completing the required nine (9) classes and will take an examination for a certification; and

WHEREAS, Matther Bernstein is a Certified Recycling Coordinator by the State of New Jersey.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ship Bottom the Matthew Bernstein is appointed the Recycling Coordinator with and annual salary increase of \$3,500.

BE IT FURHTER RESOLVED, that this resolution will take effect once classes are complete and certification is obtained.

Motion: Councilman Valyo
Second: Councilman Rossi
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo, all aye.

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on February 27, 2024.

Kristy DeBoer, RMC

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14. 2024-57 Authorizing a Lease Agreement with the US Postal Service

RESOLUTION 2024-57

A RESOLUTION OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE LEASE OF PUBLIC PROPERTY TO THE UNITED STATES POSTAL SERVICE

WHEREAS, pursuant to N.J.S.A. 40A:12-14, et seq., the Borough of Ship Bottom is authorized to lease real property not needed for public use to public bodies on such terms and conditions as the municipality shall approve by resolution; and

WHEREAS, the United States Postal Service (“USPS”) leased certain real property located in the prior Borough municipal building; and

WHEREAS, the previous lease of public property terminated upon the closure of the prior Borough municipal building for demolition; and

WHEREAS, the USPS and the Borough have negotiated the terms of a new lease agreement for certain real property not needed for public use and located on the first floor in the new Borough municipal building (“Leased Office Space”) for use by the USPS for its Long Beach Island postal facility; and

WHEREAS, the lease agreement (“Lease”) for the Office Space is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the commencement date and term of the attached Lease is subject to amendment by and between the Borough and the USPS.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows.

1. That Mayor and Municipal Clerk be and are hereby authorized to agree upon the amended commencement date and adjust the term accordingly and execute the Lease attached as Exhibit A, as well as all documents necessary to effectuate the requirements of the Lease.

2. A copy of the Agreement shall be kept on file and made available for public inspection at the Municipal Clerk’s office during normal business hours.

Motion: Councilman Hartman

Second: Councilman Valyo

Dated: February 27, 2024

Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo, all aye.

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on February 27, 2024.

Kristy DeBoer, RMC
Municipal Clerk
Borough of Ship Bottom

15. 2024-58 Authorizing Agreement for Mobile beach Badge Sales

RESOLUTION NO. 2024-58

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AGREEMENT WITH MY BEACH TAGS, LLC

WHEREAS, there exists a need for the Borough of Ship Bottom to provide residents and visitors off site purchasing options for beach badges; and

WHEREAS, the Borough of Ship Bottom desires to enter into an agreement with My Beach Tags, LLC a/n My Beach Mobile App “MBM” to assist in providing a mobile application to its visitors; and

NOW, THEREFORE, BE IT RESOLVED, this 27th day of February 2024 by the Mayor and Council of Ship Bottom Borough, County of Ocean, State of New Jersey, as follows:

1. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, an agreement with My Beach Tags, LLC a/n My Beach Mobile, 149 Hopkins Ave., Haddonfield, NJ. 08033, for mobile beach badge purchase services.

2. The terms of the agreement are set forth in the agreement and shall be made available for viewing in the Municipal Clerk’s Office.

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3. A certified copy of this Resolution shall be forwarded by the Borough Clerk to the following:
- a. Kathleen Flanagan, Chief Financial Officer
 - b. My Beach Tags, LLC

Motion: Councilman English
Second: Councilman Valyo
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo all aye

CERTIFICATION

I, KRISTY DEBOER, Municipal Clerk of Ship Bottom Borough, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council of Ship Bottom Borough at a meeting held on February 27, 2024, a quorum being present and voting in the majority.

KRISTY DEBOER
Municipal Clerk

16. 2024-59

Authorizing Disposal of Surplus
RESOLUTION 2024-59
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Borough of Ship Bottom is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, it is the desire of the Governing Body to sell said surplus property in "as is" condition, without express or implied warranties, by online auction method; and

WHEREAS, Gov Deals is part of Sourcewell Co-Op; and

WHEREAS, it is the desire of the Borough of Ship Bottom to authorize an agreement with Gov Deals for the auctioning of surplus municipal property; and

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Ship Bottom, County of Ocean, as follows:

- (1) That the sale of the surplus municipal personal property shall be conducted through GovDeals pursuant to Sourcewell Contract 041316-GDI in accordance with the terms and conditions of the Sourcewell Contract. The Mayor and Borough Clerk are authorized to execute an agreement in accordance with the same. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and are also available in the Office of the Borough of Clerk. The sale is being conducted pursuant to Local Finance Notice 2008-9. The sale will be conducted online and the address of the auction site is govdeals.com. The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (2) A list of the surplus property to be sold is referred in "Exhibit A" & "Exhibit B",
- (3) The Borough of Ship Bottom reserves the right to accept or reject any bid submitted.

Motion: Councilman Rossi
Second: Councilman Tallon
Dated: February 27, 2024
Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo all aye

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on February 27, 2024.

Kristy DeBoer, RMC
Municipal Clerk

RESOLUTION 2024-59

EXHIBIT A

Police Department Case Number	Description of Property
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SB-2022-006515	Red Huffy Tundra Mountain Bike
SB-2022-008146	Oxygen Concentrator
SB-2021-008787	Colorado Spring Shade
SB-2022-005878	Blue Cruiser Bike with Basket
SB-2023-005704	Tempest Pro 20 Series Black/Teal
SB-2023-005478	Red MX-180 Mountain Bike
SB-2022-006173	Schwinn Orange and Black Beach Cruiser
SB-2022-006769	Grey Huffy Beach Cruiser
SB-2023-003865	Black Nishiki Anasazi Bike
SB-2023-005103	Blue/Brown Huffy Beach Cruiser
SB-2021-005347	Black Electra Bike
SB-2022-000322	1944 Dime
SB-2021-007065	Engagement ring and wedding ring
SB-2022-001948	Silver necklace
SB-2017-006817	Gold ring and grey ring
SB-2021-005347	Black Electra beach cruiser
2010-023292	Silver diamond Givenchy bracelet

17. 2024-60 Approving Revised Rules and Regulations for SB Police

**RESOLUTION 2024-60
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ADOPTING SHIP BOTTOM POLICE DEPARTMENT RULES AND REGULATIONS IN COMPLIANCE
WITH ACCREDITATION STANDARDS**

WHEREAS, the Ship Bottom Police Department is established pursuant to N.J.S.A. 40A:14-118, and

WHEREAS, the “Appropriate Authority” of the Borough of Ship Bottom has previously adopted the Department Rules and Regulations of the Police Department for the Borough of Ship Bottom; and

WHEREAS, the “Appropriate Authority” of the Borough of Ship Bottom reserves the right, as the representative of the governing body, to amend or revoke any of the rules and regulations contained herein; and

WHEREAS, to be in compliance with New Jersey Public Safety Accreditation Commission standards the Ship Bottom Police Department updated their Ship Bottom Police Department Rules and Regulations; and .

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the Ship Bottom Police Department Rules and Regulations, in compliance with the New Jersey Accreditation Standards, is hereby adopted and will supersede and replace all prior such policies, manuals and/or handbooks;

Motion: Councilman Tallon

Second: Councilman Valyo

Dated: February 27, 2024

Roll Call: English, Butkus, Rossi, Hartman, Tallon, Valyo all aye

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on February 27, 2024.

Kristy DeBoer, RMC
Municipal Clerk

ORDINANCES FOR INTRODUCTION

1. 2024-08 Beach Badge Fees

The Mayor asked for a motion to introduce Ordinance 2024-08. Councilman English made a motion, seconded by Councilman Butkus. A rollcall vote was heard with six in the affirmative. None opposed. Public hearing and final adoption will be on March 26, 2024.

**ORDINANCE 2024-08
ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF
OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING
CHAPTER 12.12.070 “PAID BEACHES” OF TITLE 12 OF THE BOROUGH
CODE OF THE BOROUGH OF SHIP BOTTOM ENTITLED “BEACH AND
BAY AREA USE REGULATIONS” SO AS TO REVISE SEASONAL BEACH
BADGE FEES**

BE IT ORDAINED, by the governing body of the Borough of Ship Bottom, County of Ocean, State of New

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Jersey, as follows:

SECTION 1. Paragraph 5 of Subsection 12.12.070(E) of the Borough Code of the Borough of Ship Bottom entitled "Beach Fees" is hereby amended and supplemented to read as follows:

4. \$50 per person, per season, in the event that applications are made to the proper authorities on or after June 1.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 4. This ordinance shall take effect after public reading and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, February 27, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on March 26, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

2. 2024-09 Amending Chapter 5.60 Second Hand Goods and Pawnbrokers
The Mayor asked for a motion to introduce Ordinance 2024-09. Councilman Hartman made a motion, seconded by Councilman Valyo. A rollcall vote was heard with six in the affirmative. None opposed. Public hearing and final adoption will be on March 26, 2024.

ORDINANCE 2024-09

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 5.60, WHICH PERTAINS TO DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS

STATEMENT OF PURPOSE

The purpose of this ordinance is to repeal and replace Chapter 5.60 to amend the regulations relating to pawnbrokers and dealers in secondhand goods.

SECTION I

Chapter 5.60 is repealed and replaced with the following.

Chapter 5.60 Pawnbrokers and Dealers in Secondhand Goods

§5.60.010 Purpose and license.

A. The purpose of this Chapter is as follows: (i) to implement and establish procedures pursuant to the New Jersey Pawn broking law (N.J.S.A.45:22-2 et. seq); (ii) establish procedures for the licensing and operation of pawnbrokers and dealers of secondhand goods through the implementation of a standard body of uniform policies and recordkeeping requirements to which each business governed by this chapter shall abide; (iii) facilitate the prevention of fraud, impositions and other abuses upon citizens; and (iv) ensure the difficulty of disposing of stolen property and aid in the recovery of stolen property.

B. No person shall use, exercise or carry on the business, trade, or occupation of buying scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, furniture, clothing, or other valuable articles, hereinafter referred to as "secondhand goods or articles," or being a secondhand Dealer without having first obtained a license from the Police Department as hereinafter provided.

§5.60.020 Definitions.

Words used in the present tense shall include the future, words in the plural number shall include the singular number, and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory. As used in this Chapter, the following terms shall have the meanings indicated.

ACCEPTABLE IDENTIFICATION

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Acceptable forms of identification include: a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification.

ANTIQUÉ OR ANTIQUES

One or more old and valuable art object or item no longer in production that is at least 50 years old. As used in this Chapter, the terms "antique" or "antiques" shall also mean "primitives."

ANTIQUÉ DEALER

Any person, partnership, firm, association, or corporation, other than a licensed pawnbroker or licensed secondhand dealer, having a place of business for the purpose of purchasing, trading or dealing in antiques or primitives and who derives 75% of his or her gross sales from the sale of antiques or primitives.

ARTICLE

Any article of merchandise, including any portion of such article, whether a distinct part thereof or not, including every part thereof whether separable or not, and also including material for manufacture. And as so defined in N.J.S.A. 51:6-1.

BUSINESS ENTITY

Any and all forms of business organization operating pursuant to law, including but not limited to entities designated and/or operating as a partnership, limited liability company, corporation, "S" corporation, association or firm. For purposes of this Chapter, the term "business entity" includes a foreign business or business formed under the laws of another state which business is authorized by the State of New Jersey Division of Revenue to conduct business within this state and, at all times relevant to this Chapter, is in good standing with the New Jersey Division of Revenue. Foreign businesses include all forms of business entity recognized in the foreign jurisdiction, including any form of business entity not otherwise recognized by the laws of the State of New Jersey, such as, without limitation, a limited liability partnership.

CHIEF OF POLICE

The Chief of Police of the Borough of Ship Bottom or his/her designee/representative.

DATABASE

A computerized internet capable database with hardware and software compliant to, accessible by, and acceptable to the Chief of Police.

DEALER

Any person, partnership, corporation, or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells or otherwise exchanges or trades secondhand gold, silver, precious metals, gems, or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

DESIGNATED VENDOR

A person or entity who is appointed or designated by the Chief of Police who is authorized to collect and maintain precious metal transaction information or other purchase information as defined herein.

GARAGE SALE

Includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "auction sale," "or" yard sale" or any similar casual sale of used tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

GIFT CARD

A restricted monetary equivalent or script that is issued by retailers or banks to be used as an alternative to a non-monetary gift.

LICENSEE

Any person or business entity granted a license pursuant to this Chapter and/or granted a license by the Department of Banking and Insurance in accordance with the Pawn Broking Law.

MINOR

Any person under the age of 18 years.

PAWNBROKER

Any person, partnership, association, or corporation lending money on deposit or pledge of personal property, other than chooses in action, securities, or printed evidence of indebtedness, purchasing personal property on condition of selling it back at a stipulated price, or doing business as furniture storage warehouseman and lending money on goods, wares, or merchandise pledged or deposited as collateral security. For purposes of this Chapter, the term "pawnbroker" shall include any secondhand dealer who also operates as a pawnbroker or undertakes any action or conduct which includes the business of a pawnbroker as defined in the Pawnbroker Law.

PAWN BROKING LAW

The New Jersey statute and implementing regulations, N.J.S.A. 45:22-1, et seq., and N.J.A.C. 3:16-1.1, et seq., respectively, and any and all amendments thereto, which govern and regulate pawn shop businesses and pawnbrokers

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operating within the State of New Jersey.

PERSON

Any individual which is not a business entity. For purposes of this Chapter, the term "person" shall also include an individual operating a business as a sole proprietorship.

PRECIOUS METALS

Comprised of gold, silver, sterling, platinum, and/or their alloys as defined in N.J.S.A. 51:5-1 et seq., N.J.S.A. 51:6-1 et seq., and/or N.J.S.A. 51:6A-1 et seq., gems, gemstones, coins, and all forms of jewelry herein contained.

PLEDGE

An article or articles deposited with a pawnbroker in the course of business.

PLEDGOR

A person who delivers the pledge into the possession of a pawnbroker, unless such person discloses that he is or was acting for another, and in such an event "Pledgor" means the disclosed principal.

PURCHASE

Not only the exchange of money for precious metals, but the exchange or trading of any other tangible or intangible property for precious metals.

PURCHASE

The exchange of money and the exchange, deposit, pledge, sale, conveyance, or trade of any tangible or intangible article.

REPORTABLE TRANSACTION

Every transaction conducted by a dealer in which precious metals, or other tangible property, are purchased or exchanged from or with the public.

SECONDHAND DEALER OR DEALER IN SECONDHAND GOODS

As used in this Chapter, any person, partnership, corporation, association, joint venture, trustee, court-appointed representative, or agent thereof which operates a business for profit which buys, sells, possesses on consignment for sale, or trades jewelry, stamps, coins, or any precious metals which may have been previously owned by a consumer or which derives more than 35% of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares, or merchandise which have previously been owned by a consumer, including, but not limited to, furniture, appliances, consumer electronic goods, clothing, automobile accessories, books, magazines, athletic cards and memorabilia, or precious metals, whether in bulk or manufactured state. The term "secondhand dealer" shall include businesses commonly known as "pawnbrokers," "trading posts," "swap shop operators," "stamp dealers," "coin dealers," "jewelers," and "auction houses" that purchase and resell items from persons other than dealers and suppliers. The fact that any business does any of the following acts shall be prima facie proof that said business is a secondhand dealership:

- A. Advertises in any fashion that it buys or sells secondhand or used items. Such advertisements shall include, but are not limited to, media advertisements, telephone listings, and signs, whether on the exterior or interior of the business.
- B. Devotes a significant segment or section of the business premises to the purchase or sale of secondhand or used items.
- C. Secondhand Goods. Goods which have been previously owned, worn or used by a consumer and/or that are not new. For purposes of this chapter, the term "secondhand goods" shall include "secondhand watches" except where the context clearly indicates to the contrary.
- D. Secondhand Watches. A watch shall be deemed to be secondhand if it satisfies the following:
 1. It as a whole or the case thereof or the movement thereof has been previously sold to or acquired by any person who bought or acquired the same for his use or the use of another, but not for resale; provided, however, that a watch which has been so sold or acquired and is thereafter returned either through an exchange or for credit to the original individual, firm, partnership, association or corporation who sold or passed title to such watch, shall not be deemed to be a second hand watch for the purposes of this chapter if such vendor shall keep a written or printed record setting forth the name of the purchaser thereof, the date of the sale or transfer thereof, and the serial number (if any) on the case and the movement, and any other distinguishing numbers or identification marks, which said record shall be kept for at least five (5) years from the date of such sale or transfer and shall be open for inspection during all business hours by the Ocean County Prosecutor or the prosecutor's duly appointed representative;
 2. Its case, serial numbers or movement numbers or other distinguishing numbers or identification marks shall be erased, defaced, removed, altered, or covered; or
 3. If its movement is more than 5 years old and has been repaired by any person or persons, including the vendor, notwithstanding that it may have been returned either through an exchange or

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for credit to said original vendor. Cleaning and oiling a watch movement or recasting the movement in a new case shall not be deemed watch repair for the purposes of this Chapter.

TRANSIENT BUYER

A dealer who has not been in any retail business continuously for at least 6 months at that address in the municipality where the dealer is required to register or who intends to close out or discontinue all retail business in the municipality within 6 months, or as so defined in N.J.S.A. 51:6A-5 and N.J.A.C. 13:47C-1.1.

§5.60.030 Compliance with State and federal laws and interpretation.

Any licensee operating as a pawnshop or pawnbroker shall comply with all applicable State and federal laws and regulations that govern the same. Specifically, businesses dealing in the purchasing of precious metals will comply with the laws outlined in N.J.S.A. 51:6A-1. Notwithstanding anything in Chapter 5.04 (Business Licenses) to the contrary, except where otherwise stated in this Chapter, the provisions of this Chapter shall govern pawnbrokers, pawn broking activities, dealers in secondhand goods and precious metal dealers with respect to title issuance, term, renewal, and effect of licenses issued pursuant to this Chapter and the violations and penalties set forth in this chapter. It is the express intent that any conflict between this Chapter and Chapter 5.04 shall be resolved in favor of this Chapter.

§5.60.040 License requirements.

No person, either as owner, manager, lessee, officer, or agent, or in any other business shall operate or permit to operate as a pawnbroker/secondhand dealership without first having obtained a license to do so. If an individual is deemed a pawnbroker or business deemed a pawn shop, then a license from the Commissioner of Banking and Insurance is required (N.J.S.A. 45:22-21).

A. Exemptions. The following are exempt from the requirements of this Chapter.

1. Garage sales.
2. Sales conducted by governmental, civic, patriotic, fraternal, educational, religious, or benevolent organizations which have been in active and continuous existence for at least 1 year prior to the holding of the sale or which are incorporated as a not-for-profit corporation by the State.
3. Sales or purchases which are regulated by the licensing laws of the state, including automobile dealers, used parts dealers and automotive parts recyclers.
4. Antique dealers. As used in this section, an antique dealer is defined as one who derives 75% of his gross sales each year from the sale of antiques and/or primitives. As used in this section, an "antique" or "primitive" is defined as an old and valuable art object or article no longer in production that is at least 50 years old. As used in this section, the term "sale" does not include an exchange, trade, or swap of items.

B. Application. An application for a license required shall be made in writing to the Municipal Clerk which shall minimally set forth the following.

1. The name of the individual, partnership, corporation or association applying for a license.
2. The residence, phone number, date of birth, driver's license number, and social security number or federal tax identification number of the applicant or partners or, if a corporation or association, the residence, phone number, and driver's license number of the officers and all shareholders owning more than 5% of the outstanding shares of stock.
3. The location for which the license is requested.
4. Whether the applicant, its partners, officers, or listed shareholders have been convicted of any criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction, and, if so, a list of such convictions with date and prosecuting jurisdiction.
5. Whether the applicant, its partners, officers, or listed shareholders have held a license or had an interest in a license issued by this or any other jurisdiction regulating the purchase or sale of secondhand property revoked for cause, and, if so, list the date of revocation and jurisdiction.
6. In the case of a pawnbroker, the applicant's name, address, fingerprints, and written consent for a criminal history record must be forwarded to the Commissioner.

§5.60.50 Fees.

A. Any pawnbroker or secondhand dealer, before engaging in business, shall apply for and secure a license to engage in, conduct, and transact such a business, the fee for which license shall be the sum of \$200 dollars, in addition to the standard business license fee. The license shall be renewed each year. Application for renewal of License shall be made to the Municipal Clerk on or before January 31st of each year and shall be submitted to the Mayor and Council for approval. The annual renewal fee shall be \$10. Should the license

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be denied, the license fee shall be refunded to the applicant.

B. Following the issuance of a license, the licensee shall secure the acceptable Database Software System. Any software licensing fee shall be paid by the licensee direct to the software provider and shall not be part of and is in addition to the license fee required.

§5.60.060 Issuance, posting, revocation, and transfer.

- A. The Municipal Clerk shall issue the license requested unless the following are identified:
1. The applicant is under the age of 18;
 2. The location requested is not in a permanent structure;
 3. The applicant, its partners, officers or listed shareholders have been convicted of or have pleaded guilty to any offense related to theft, burglary, or purchasing or receiving stolen items under the laws of this State or any other jurisdiction within the past 10 years, or have forfeited a bond to appear in court to answer for charges for such offenses during said time;
 4. That the location requested and structure to be used would not comply with all applicable laws, including the zoning regulations;
 5. The applicant, its partners, officers, or listed shareholders have held a license or had an interest in a license issued by any jurisdiction regulating the purchase or sale of secondhand property which was revoked for cause; or
 6. The applicant, its partners, officers, or listed shareholders have knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this Chapter or any investigation into any application.
- B. Posting. Every license issued under the provisions of this Chapter shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.
- C. Revocation. Any license issued for a secondhand dealer may be revoked or suspended for a period not to exceed 30 days by the Mayor and Council if they shall find after hearing:
1. The licensee, its officers, agents, or employees have violated any of the provisions of this Chapter, the laws of the State, or the Borough Code in the operation of the business; or
 2. The licensee, its partners, officers, or shareholders have been convicted of any offense set forth in this Chapter; or
 3. The licensee, partners, officers, or shareholders have knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this Chapter or any investigation into any application. The licensee shall be responsible for the acts of its agents, servants, and employees in the operation of the business. Prior to holding a hearing concerning the question of whether a license shall be revoked or suspended, at least 10 days written notice shall be provided to the licensee setting forth the alleged violation. The licensee may present evidence and cross-examine witnesses at such hearing.
- D. Transfer. No license issued under this chapter may be transferred to any other person, partnership, corporation, or association.
- E. Change of location. No licensee shall carry on any business required to be licensed under this Chapter except at the location designated on the license. Should the licensee wish to change the location, application shall be made to the Municipal Clerk for such change in writing.

§5.60.070 Operation.

- A. Hours of operation. No licensee shall purchase any goods, wares, articles, or things whatsoever, or lend any money to any person between the hours of 11 :00 p.m. (2300) and 7 :00 a.m. (0700) the next day.
- B. Prohibited purchases. No licensee shall purchase or accept any goods, wares, articles, or things under any of the following circumstances.
1. Where the seller is less than the age of 18.
 2. A pawnbroker may not accept a pledge from any person who is under the age of 16 (N.J.S.A. 45:22-31).
 3. Where the seller is intoxicated, defined as a seller whose mental or physical functioning

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is substantially impaired as a result of the use of alcohol or drugs.

4. Where the seller fails to present a valid New Jersey driver's license or at least 2 forms of identification of which at least 1 contains the seller's full legal name, date of birth, a photograph or full physical description, and an identification number.

5. Where the article to be purchased had an original manufacturer's serial number at the time it was new but no longer legibly exhibits said number.

C. Purchasing, selling, or displaying weapons prohibited. No licensee shall deal in, buy or sell, or display in his shop any pistol, revolver, Derringer, Bowie knife, dirk, or other deadly weapon of like character capable of being secreted upon the person, unless such licensee shall also possess valid and current licenses or permits as required by applicable federal, state, or local laws, ordinances, rules or regulations.

D. Pawnbrokers' and Secondhand Dealers' responsibilities and requirements. Each pawnbroker or secondhand dealer shall, upon the purchase of any precious metals or secondhand goods from the public, be required to do as follows.

1. Shall operate and maintain a computer system with internet access and photographic or video capability sufficient for the electronic reporting requirements of this Chapter. Any failure or malfunction of such equipment on the part of the licensee shall not exempt the licensee from the below reporting requirements. The licensee shall immediately notify the Police Department of any such failure or malfunction and shall have such resolved as soon as practicable. Failure by the licensee to resolve any failure or malfunction of equipment in a reasonable amount of time will lead to license revocation.

2. Record on a numbered receipt the name, address and telephone number of the purchaser, the name, address and telephone number of the seller or sellers, the time and date of the transaction, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals, and fineness in terms of karats for gold and sterling or coin for silver in accordance with N.J.S.A. 51:5-1, et seq., and N.J.S.A. 51:6-1, et seq. This information is to be documented through use of an electronic database software system as designated by the Chief of Police. These records shall be subject to the inspection of any authorized police officer.

3. Through the use of applicably required computer equipment and using the electronic format approved by the Chief of Police enter all transactions into the electronic database within forty-eight (48) hours from the date of purchase. The information contained in Subsection 2 above, plus the following.

a. A physical description of the seller.

b. The receipt number.

c. A full description of the item or items purchased, including but not limited to marks, numbers, dates, sizes, shapes, initials and monograms.

d. The price paid for the item.

e. The form must be signed by the seller and initialed by the clerk who made the transaction.

4. The precious metals are to be made available for inspection by the Chief of Police or his designated representative for a period of 10 days from the date the information required above is received by the Chief of Police or his designated representative on the approved form. The precious metals shall remain in the same condition as when purchased and shall not be changed, modified, melted, or disposed of by the purchaser until the 10-day period has expired. During this 10-day period, the precious metals shall be placed in public view at the purchaser's place of business. If the property is such that it would create a hardship on the pawnbroker by holding the precious metals for such period, the pawnbroker may present the property to the Chief of Police or his representative in order that it may be photographed and, if deemed necessary by the Chief of Police or his designated representative, an investigation be implemented. The Chief of Police or his designated representative has the authority to grant the pawnbroker a waiver of the requirement under this section.

5. In addition to the information required to be reported above, each pawnbroker or secondhand dealer shall obtain a photographic image of a photo ID card of the seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be currently valid (not expired) card issued by a government entity of the United States and must include the pawn/seller's first and last name, current address, date of birth, and physical descriptors. In the event the card is valid but does not contain the seller's current address, the licensee must separately record and report the current address.

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6. Any property exchanged in a transaction shall be digitally photographed and reported as required by the Chief of Police, unless such property bears a valid and unique serial number that is permanently inscribed on the property. It is unlawful to do business with persons failing to supply required information.

7. It is unlawful to receive or purchase in any manner any goods or articles or make any advance or loan whatever on the same if the person or persons pawning, pledging, depositing, or selling the same shall refuse to make known his, her, or their names, to submit to a general description, or shall refuse to make known the name or names of the person or persons for whom the same were pawned, pledged, deposited, or sold, or knowingly make any false entry of any matter or thing required to be made in said book or cause or permit the same to be made.

8. Dealer payment to sellers in cash shall be limited to 2 transactions during a 7-day period for the same seller. The 7-day period will commence on the day of the first transaction and end 7 days after the transaction, i.e. if transaction #1 occurs on Monday the 7-day period ends on Sunday. Furthermore, no cash payments shall be made to the same sellers who make more than 5 transactions in any given 30-day period. Sellers making transactions over the number of proscribed weekly and monthly periods will be paid by the Dealer by means of a bank check drawn from the Dealer's business account.

9. It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the Police Department to examine any database, book, ledger, or any other record on the premises relating to the purchase of precious metals from the public, as well as the articles purchased or received, and to take possession of any article known by the police officer or official to be missing or to have been stolen, or where the officer or official has probable cause to believe the article is missing or stolen.

§5.60.080 Non-Applicability and Inspections.

A. Non-Applicability. This Chapter shall not apply to purchases made by jewelers or other pawnbrokers from wholesalers or other suppliers but shall only apply to those purchases made from the public or other retail purchases. The pawnbroker shall keep records of all wholesale purchases for a period of 6 months from the date of such purchase, which records shall be opened to investigation by the Police Department.

B. Inspections. Every licensee and every person employed by the licensee in the conduct of business shall admit to any and every part of the premises designated in the license, during normal business hours, any law enforcement officer to examine any goods, articles, things, pledges, pawns, or books or other records on the premises dealing with purchase or sale of used property and to search for and to take into possession without compensation to the licensee any article known or for which such officer has reasonable grounds to believe to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this section and property so seized shall be receipted for by such officer, who shall fully describe the seized property and sign the receipt. Should the officer determine the property not to be stolen, the officer shall promptly return same to the licensee and obtain a receipt therefore, as aforesaid. In the case of property obtained in the case of a domestic theft, the victim shall make restitution for the amount paid to obtain said property. Other restitution will be made by way of criminal complaints against the seller of said items.

§5.60.090 Secondhand Watches

A. Secondhand watches to be clearly marked. Any person or business entity engaged in the business of buying or selling watches or any agent or servant thereof who may sell, exchange, or offer for sale or exchange, expose for sale or exchange, possess with the intent to sell or exchange, or display with the intent to sell or exchange any secondhand watch, shall affix and keep affixed to the same a tag with the words "second-hand" clearly and legibly written or printed thereon, and the said tag shall be so placed that the words "second-hand" shall be in plain sight at all times.

B. Special invoice for secondhand watches. Any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell a secondhand watch or in any other way pass title thereto shall deliver to the vendee a written invoice bearing the words "secondhand watch" in bold letters, larger than any of the other written matter upon said invoice, which invoice shall also set forth the following:

1. The name and address of the vendor;
2. The name and address of the vendee;
3. The date of the sale;
4. The name of the watch or its makers;
5. The serial numbers, if any; and

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6. Any other distinguishing numbers or identification marks upon its case and movement; or, if the serial numbers or other distinguishing numbers or identification marks shall have been erased, defaced, removed, altered, or covered, the invoice shall so state.

C. Record retention. The vendor shall keep on file a duplicate of said invoice for at least 5 years from the date of the sale thereof, which shall be open to inspection during all business hours by the Ocean County Prosecutor or his duly authorized representative.

D. Advertising secondhand watches. Any pawnbroker, secondhand dealer, or other person or business entity or any agent thereof, who may advertise or display in any manner a secondhand watch for sale or exchange shall state clearly in such advertisement or display that said watch is a secondhand watch.

§5.60.100 Violations and penalties.

A. Violation of any provision of this Chapter shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$1,000, or by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days.

B. Each and every violation shall be considered a separate violation. Every day that a violation continues shall be a separate violation. Each violation shall result in an additional 10-day suspension. Any person who is convicted of violating the provisions of this Chapter within 1 year of the date of a previous violation and who was fined for the previous violation may be sentenced by the Court to an additional fee as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this Chapter. For a third or subsequent violation under this Chapter, the mercantile license of said business may be revoked.

C. In addition to being subject to penalty as hereinafter set forth, any person who obtains a license as herein provided with a false or misleading application shall, upon the discovery thereof, suffer an immediate revocation of such license and forfeiture of all fees paid.

SECTION II

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

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

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, February 27, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on March 26, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

3. 2024-10 Capital Bond Ordinance

The Mayor asked for a motion to introduce Ordinance 2024-10. Councilman Tallon made a motion, seconded by Councilman Hartman. A rollcall vote was heard with six in the affirmative. None opposed. Public hearing and final adoption will be on March 26, 2024.

**BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN
BOND ORDINANCE NO. 2024-10**

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2023-06 ADOPTED ON MARCH 28, 2023, PROVIDING FOR THE CONSTRUCTION OF THE NEW BOROUGH HALL - PHASE IV, IN ORDER TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF SHIP BOTTOM, IN THE COUNTY OF OCEAN, NEW JERSEY

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WHEREAS, the Borough of Ship Bottom, in the County of Ocean, New Jersey (the "Borough") adopted Bond Ordinance No. 2023-06 on March 28, 2023 (the "Prior Ordinance"), authorizing the construction of the new Borough Hall - Phase IV; and

WHEREAS, the Borough has determined that the \$400,000 allocation of the \$2,000,000 appropriation authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$100,000, to an aggregate amount of \$500,000, without increasing the aggregate appropriation or debt authorization for said purposes, by amendment of the Prior Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL of the BOROUGH OF SHIP BOTTOM, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 5(d) of the Prior Ordinance is hereby amended to read as follows:

(d) An aggregate amount not exceeding \$500,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section Two. The aggregate appropriation of \$2,000,000, the aggregate debt authorization of \$1,900,000, and other authorizations of the Prior Ordinance remain unchanged and are hereby confirmed.

Section Three. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section Four. This amendatory bond ordinance shall take effect twenty (20) days after the first publication thereof after final passage, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, February 27, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on March 26, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

9. **OLD BUSINESS**
ORDINANCES

1. 2024-04 Amusement License Ordinance

The Mayor opened the floor for public comment on Ordinance 2024-04 on a motion and second by Councilmen Rossi and Butkus and an all in favor vote. Seeing and Hearing no one wishing to speak on the Ordinance, The Mayor closed the public comment on a first and second by Councilmen English and Rossi and an all in favor vote. With that, the Mayor asked for a motion to approve or deny Ordinance 2023-04. Councilman Tallon made a motion, seconded by Councilman Valyo. A rollcall vote was heard with six in the affirmative. Ordinance 2024-04 was approved for final adoption.

ORDINANCE 2024-04

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 5.16 OF TITLE 5 OF THE BOROUGH CODE OF THE BOROUGH OF SHIP BOTTOM ENTITLED "AMUSEMENT GAMES"

WHEREAS, the Borough of Ship Bottom ("Borough") is comprised of .71 square land miles and has an estimated year-round population of 1,153 residents; and

WHEREAS, the Borough is often referred to as the "Gateway to Long Beach Island," as it is located at the sole roadway access point to Long Beach Island, an approximately eighteen-mile barrier island home to six municipalities with a total year-round population of approximately 10,000 residents, over the Causeway Bridge; and

WHEREAS, the seasonal population of Long Beach Island is estimated to swell to between approximately 150,000 and 200,000 and additional day-trip and temporary visitors also visit the beaches, parks, retail establishments,

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businesses, amusement parks, bars, and restaurants located thereon; and

WHEREAS, the Borough is fully developed and has three hotels/motels, three miniature golf courses, two active amusement license businesses, one additional inactive amusement license and family event center for a location granted a use variance by the Land Use Board, and a high density of retail establishments, including furniture, department, and clothing stores, dine-in restaurants, bars and a nightclub, take-out, ice cream, coffee, donut, and breakfast food establishments, and offices, convenience stores, realtors, and contractors, among others; and

WHEREAS, the vast majority of the aforesaid establishments are located in the Shore Commercial and General Commercial Districts on the east-west and north-south access of 8th and 9th Streets and Long Beach Boulevard, respectively; and

WHEREAS, the foregoing development is immediately adjacent to the Borough's residential properties and located on a narrow barrier island between the beach and bay, each of which generate significant visitors and activity throughout the year; and

WHEREAS, the density, parking, traffic, and population issues are significant during the ever-expanding summer and visitor seasons in the Borough and pose a significant threat to the public health, welfare, and safety; and

WHEREAS, following the most recent amusement license application approval, three such permitted amusement business locations shall exist in the Borough, the two existing located on Long Beach Boulevard and the additional location on Long Beach Boulevard in the area of 8th and 9th Streets, which Streets form the sole access point for the Borough and all of Long Beach Island; and

WHEREAS, the target market for establishments with amusement licenses and family recreation businesses are families, young adults, adolescents, and children; and

WHEREAS, the Island as a whole and the Borough have experienced a significant increase in the number of children and young adults gathering in large groups in the evening and nighttime hours and places of amusement are typical locations where such groups congregate; and

WHEREAS, given the limited size of the Borough, the location of the existing and new amusement license, the density of development, the significant vehicular and pedestrian traffic, and the proximity of the residential zones to the various commercial zones in the Borough, the amendment of the amusement licensing regulations are necessary and proper to preserve the common good and the public health, welfare, and safety, and the regulations authorized by law and set forth herein are substantially connected with the public interest designed to be advanced; and

WHEREAS, N.J.S.A. 40:52-1 authorizes municipalities to make, amend, repeal, and enforce ordinances to license and regulate "places of public amusement" pursuant to the police power to protect the general health, welfare, and safety of its citizens; and

WHEREAS, N.J.S.A. 5:8-100, et seq., the Amusement License Gaming Law, authorizes municipalities to regulate and license the owners and operators of any amusement games or games, whether skill or chance or both and whether said game be played and operated with or without numbers or figures; and

WHEREAS, *inter alia*, the Borough is authorized to charges fees for licenses, set the hours and days of operation for licenses, issue separate licenses for each classified games set forth in N.J.A.C. 13:3-7.9, the Rules of the Office of the Amusement Games Control, except that a single license may be issued for all games classified under Certification No. 2, which are arcade games wherein a single player upon payment of fee is permitted to play a machine or device to obtain a prize or attain to score upon the basis of which a prize is awarded; and

WHEREAS, N.J.S.A. 5:8-102 and N.J.A.C. 13:3-1.1 define "arcade" as a place where a single player may play any one of a number of machines or devices, upon payment of a fee, to attempt to obtain a prize or tickets or tokens redeemable for a prize, or to attempt to attain a score or result upon the basis of which a prize, ticket or token is awarded; and

WHEREAS, as noted, there were two existing and longstanding amusement licenses located in the Borough and the intent of the Borough Code, in part, was to limit the number of amusement game licenses located in the Borough to two; and

WHEREAS, the Land Use Board granted a use variance to the owner of a property located in the General Commercial District for use as a family amusement center and that resolution and the Borough's licensing regulations have been the subject of ongoing litigation; and

WHEREAS, following litigation in the Law Division and Appellate Division, the Law Division invalidated §5.16.010 of the Borough Code; and

WHEREAS, the Law Division ordered the Borough to review and decide the new application for an amusement license within forty-five days of receipt and the Mayor and Council approved that application subject to certain lawful contingencies relating to a background check and State approval and the Mayor and Council approved the application for amusement license; and

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WHEREAS, based upon the foregoing, the Borough seeks to amend and supplement Chapter 5.16 of Title 5 to limit the number of amusement licenses for amusements as authorized and governed by N.J.S.A. 5:8-100, et seq., and N.J.A.C. 13:3-1.1, et seq., to three total licenses and further amend and supplement amusement license regulations as set forth herein; and

WHEREAS, in further support of the regulations set forth herein, the Mayor and Council requested and relied upon the reports prepared by the Chief of Police and the Borough Engineer, who is also a professional planner, which are incorporated herein by reference and copies are available at the office of the Municipal Clerk; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor Council of the Borough of Ship Bottom as follows.

STATEMENT OF PURPOSE

The purpose of the ordinance is to amend Chapter 5.16 of Title 5 of the Borough Code to revise and supplement the regulations of amusement games, arcades, and places of public amusement and limit the number of licenses to three.

SECTION I

Chapter 5.16 is repealed and replaced as follows.

ARTICLE I Amusement Games

§5.16.010 Declaration and amusement area.

It is hereby determined, declared, and found that the Borough constitutes a seashore resort with parts thereof customarily constituting an amusement or entertainment area, according to the customary understanding of the terms in the community, and the parts of what constitutes an amusement or entertainment area are more particularly described as follows: all that area running north and south on and the properties bordering Long Beach Boulevard in the Borough of Ship Bottom.

§5.16.020 License required.

It shall be unlawful for any person to own or operate any amusement game or games, as the terms are defined by the Amusement Games Licensing Law, N.J.S.A. 5:8-100, et seq., whether the game or games be played and operated with or without numbers, names, or symbols without first having obtained a license from the Mayor and Council of to do so. The licenses shall be issued pursuant to and subject to the provisions of Amusement Games Licensing Law and the New Jersey Administrative Code, N.J.A.C. 13:3-1.1, et seq. No municipal license shall become operative unless and until the licensee named therein has procured a state license from the State Commissioner of Amusement Games Control and has affixed the state license certificate to the municipal license certificate.

§5.16.030 Number and scope of licenses.

The number of licensees shall be limited to 3 annual amusement game licenses, each of which may seek approval for the games authorized by the games set forth in N.J.A.C. 13:3-7.9.

§5.16.040 License application.

Each applicant for a license shall file with the Municipal Clerk a written application in the form prescribed by and in accordance with the Amusement Games Licensing Law and the rules and regulations promulgated by the Amusement Games Control Commissioner of the State of New Jersey. Each individual applicant, the officers (including the officers, directors, and stockholders of any corporation holding five percent or more stock of any corporate applicant), as well as the partners or members of any partnership, association, or organization applicant must submit to fingerprinting upon initial application for license. Failure or refusal of any of the above-designated persons to submit to fingerprinting shall be deemed cause for denial of the application. Any fees for fingerprinting and other investigations shall be paid for directly by the applicant. No license shall be issued to any applicant if any person fingerprinted in connection with the application is not of good moral character or have been convicted by a crime as set forth in the New Jersey Administrative Code or New Jersey Statutes. No license shall be issued to any person who has been convicted of crimes or as a disorderly person or for the violation of any municipal ordinance. If any licensee shall be so convicted during any license year, his license for any and all games or machines operated by him shall become void, and he shall not be entitled to the return of license fees.

§5.16.050 License fees and limitations.

The fees for each classification set forth in N.J.A.C. 13:3-7.9, which shall accompany the application for license, shall be as follows.

Amusement Games Certification No. 1 – \$500.00. In this category, there shall be only one game per license.

Amusement Games Certification No. 2 – \$500.00 for the first fifty player positions and an additional \$10.00 for each player position thereafter.

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Amusement Games Certification No. 3 – \$500.00. In this category, there shall be only one game per license.

Amusement Games Certification No. 4 – \$750.00. In this category, there shall be only one game per license.

Amusement Games Certification No. 5 – \$750.00. In this category, there shall be only one game per license.

Amusement Games Certification No. 6 – \$500.00. In this category, there shall be only one game per license.

Amusement Games Certification No. 7 – \$500.00. In this category, there shall be only one game per license.

Amusement Games Certification No. 8 – \$500.00. In this category, there shall be only one game per license.

Amusement Games Certification No. 9 – \$750.00. In this category, there shall be only one game per license.

§5.16.060 License period.

Every license shall be valid after being granted from the 1st day of January to the 31st day of December in each calendar year. No matter when issued in the calendar year, full license fees as designated herein shall be paid. There shall not be any apportionment or rebatement of any license fees paid. The regulations and requirements of this Chapter shall apply to the application period beginning for the 2025-year licenses, except that the regulations relating to the limitation to 3 licenses shall immediately apply and the 3 existing licenses shall continue to be valid in 2024.

§5.16.070 Transfer of licenses.

Licenses shall be transferable to any other person, corporation, partnership, or organization in the event of a sale or lease of the premises in which such machines are located or in the event the transferee secures the required land use approvals for the new location, subject to the transferee securing the required approvals for the amusement license pursuant to this Chapter. Transferees shall comply with the application process set forth in this Chapter to secure approval for the license and may be denied the license in accordance with the applicable requirements.

§5.16.080 Renewal of existing licenses.

An existing license under amusement games is defined as a person who possesses a valid license, including the existing licenses at the time this Chapter is adopted, and transferees provided the transferee secures approval for the transferred license in accordance with the applicable requirements. The holder of a license shall have priority over new applicants to renew the license. The priority right, however, will be vacated automatically if the licensee notifies the Municipal Clerk in writing of the licensee's intention not to renew or if the licensee fails to apply for renewal on or prior to the deadline for renewal set by the Municipal Clerk and which shall be no later than November 1 for the subsequent year license term. The foregoing provision shall not give any licensee any property right in or to a license or its renewal and the same shall be subject at all times to the licensing power of the Borough as set forth in the statutes and laws of the State of New Jersey.

§5.16.090 Order of priority and availability of licenses.

If a license becomes available, new applications shall be due on the third Tuesday of November at 9:00 a.m. at the Office of the Municipal Clerk and the applicants shall be ordered in priority of the license by the earliest complete applications received by the Municipal Clerk pursuant to this Article. In the event an application does not comply or is otherwise denied pursuant to this Article, the Municipal Clerk shall process the next application on the priority list by order received.

§5.16.100 Control, supervision, and hours of operation.

The Mayor and Council shall have and exercise control and supervision over all amusement games held, operated, or conducted under each license, with all the powers authorized or granted to it under the Amusement Games Licensing Law and the rules and regulations of the State Amusement Games Control Commissioner. No licensee shall permit them to be played between 11:00 p.m. and 9:00 a.m. weekdays or between 12:00 midnight and 9:00 a.m. on Sundays, weekends, and national holidays.

§5.16.110 Noise and location of amusement games.

No amusement game for which a license is required herein shall be operated in a manner which will enable it to be heard outside the building in which the amusement machine is located. No amusement game for which a license is required herein shall be permitted to be located outside of a building.

§5.16.120 Disciplinary Proceedings.

Disciplinary proceedings before the Mayor and Council, on a complaint made for a violation of the provisions of Amusement Games Licensing Law and the rules and regulations promulgated by the State Amusement Games Control Commissioner, and by this Chapter, shall be made on charges preferred against the licensee, signed in the name of the Mayor and Council. No hearing shall be held until a five-day notice of the charges preferred shall have been given to the licensee personally or by mailing the notice by registered or certified mail, return receipt requested, addressed to

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him at the licensed premises, and a reasonable opportunity to be heard thereon afforded to him. The licensee may be represented by an attorney of this state at the hearing. The Mayor and Council may suspend or revoke the license after a hearing on the charges for proper cause or may dismiss the charges.

§5.16.130 Conditional Use Zone

Compliance with this Article is a requirement of the conditional user requirements of the Borough Code. Applicants shall either comply with the conditional use requirements at the time of the application or shall receive conditional use approval pursuant to the Borough Code within six months of the date the license is approved, which approval shall be conditional and contingent upon conditional use approval and the license shall not be used unless and until conditional use approval is received. In the event the conditional use approval is not received within the aforesaid time period, the approval shall be rendered void and the license shall be deemed available.

§5.16.140 Penalties.

In the event that any licensee shall violate any of the provisions of this Chapter or the "Amusement Games Licensing Law," or the rules and regulations promulgated by the State Amusement Games Control Commissioner, or the terms of the license, such licensee shall be a disorderly person, and if convicted as such shall, in addition to suffering any other penalties which may be imposed pursuant to §1.08 of the Code, forfeit any license issued to him under this Chapter.

SECTION II

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

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

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, January 23, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on February 27, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

CERTIFICATION

I, **KRISTY DEBOER, RMC**, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance 2024-04 was duly adopted by the Mayor and Council at the meeting held on February 27, 2024, at 6:30 p.m.

Kristy DeBoer, RMC
Municipal Clerk

William Huelsenbeck
Mayor

2. 2024-05 Zoning Ordinance Amusement Games License Establishments
The Mayor opened the floor for public comment on Ordinance 2024-05 on a motion and second by Councilmen Rossi and English and an all in favor vote. Seeing and Hearing no one wishing to speak on the Ordinance, The Mayor closed the public comment on a first and second by Councilmen Rossi and English and an all in favor vote. With that, the Mayor asked for a motion to approve or deny Ordinance 2023-05. Councilman Tallon made a motion, seconded by Councilman English. A rollcall vote was heard with five in the affirmative. Councilman Hartman abstained. Ordinance 2024-05 was approved for final adoption.

ORDINANCE 2024-05

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 16.44 OF THE BOROUGH CODE, WHICH PERTAINS TO THE SHORE COMMERCIAL DISTRICT, AND CHAPTER 16.48, WHICH PERTAINS TO THE GENERAL COMMERCIAL

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DISTRICT, AND CHAPTER 16.56, WHICH PERTAINS TO CONDITIONAL USES

WHEREAS, amusement games of chance authorized by the Amusement Games Licensing Law, N.J.S.A. 5:8-100, et seq., do not constitute a permitted use in any zoning district in the Borough of Ship Bottom (“Borough”); and

WHEREAS, two longstanding amusement game establishments which possess two amusement game licenses granted pursuant to Chapter 15.16 of the Borough Code are located on Long Beach Boulevard and in the Shore Commercial District; and

WHEREAS, those two amusement game licenses were recognized and designated as preexisting nonconforming uses and the intent of the Borough Code, in part, was to limit the number of amusement game licenses located in the Borough to two; and

WHEREAS, the Land Use Board granted a use variance to the owner of a certain property located on Long Beach Boulevard in the General Commercial District for use as a family amusement center and that resolution and the Borough’s Code were subject to litigation; and

WHEREAS, following litigation in the Law Division and Appellate Division, the Law Division invalidated provisions of §5.16.010 of the Borough Code; and

WHEREAS, following litigation in the Law Division and Appellate Division, the Law Division invalidated §5.16.010 of the Borough Code on the basis of various legal arguments advanced by the applicant and ordered the Borough to review and decide the new application for an amusement license within forty-five days of receipt and the Mayor and Council approved that application subject to certain lawful contingencies relating to a background check and State approval; and

WHEREAS, as a result of the foregoing, the Borough has elected to clarify and amend the permitted and prohibited uses in the Shore Commercial and General Commercial Districts of the Borough Code in order to maintain consistency with the licensing regulations and the revised Chapter 15.16 of the Code; and

WHEREAS, specifically, the Borough deems it necessary to amend, confirm, and clarify the permitted and non-permitted uses, including the express limitation on the location of amusement gaming licenses for the following reasons; and

WHEREAS, the Borough is comprised of .71 square land miles and has an estimated year-round population of 1,153 residents; and

WHEREAS, the Borough is often referred to as the “Gateway to Long Beach Island,” as it is located at the sole roadway access point to Long Beach Island, an approximately eighteen-mile barrier island home to six municipalities with a total year-round population of approximately 10,000 residents, over the Causeway Bridge; and

WHEREAS, 8th and 9th Streets are the main arteries for the access to and from Long Beach Island and the mainland; and

WHEREAS, the seasonal population of Long Beach Island is estimated to swell to between approximately 150,000 and 200,000 and additional day-trip and temporary visitors also visit the beaches, parks, retail establishments, businesses, amusement parks, bars, and restaurants located thereon; and

WHEREAS, the Borough is fully developed and has three hotels/motels, two miniature golf courses, three amusement license businesses, and a high density of retail establishments, including furniture, department, and clothing stores, dine-in restaurants, bars and a nightclub, take-out, ice cream, coffee, donut, and breakfast food establishments, and offices, convenience stores, realtors, and contractors, among others; and

WHEREAS, the vast majority of the aforesaid establishments are located in the Shore Commercial and General Commercial Districts on the east-west and north-south access of 8th and 9th Streets and Long Beach Boulevard; and

WHEREAS, the foregoing development is immediately adjacent to the Borough’s residential properties and located on a narrow barrier island between the beach and bay, each of which generate significant visitors and activity throughout the year; and

WHEREAS, the density, parking, traffic, and population issues are significant during the ever-expanding summer and visitor seasons in the Borough and pose a significant threat to the public health, welfare, and safety; and

WHEREAS, the target market for establishments with amusement licenses and family recreation businesses are families, young adults, adolescents, and children; and

WHEREAS, the Island as a whole and the Borough have experienced a significant increase in the number of children and young adults gathering in large groups in the evening and nighttime hours and places of amusement are typical locations where such groups congregate; and

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WHEREAS, given the limited size of the Borough, the location of the existing and proposed additional amusement license, the density of development, the significant vehicular and pedestrian traffic, and the proximity of the residential zones to the various commercial zones in the Borough, the amendment and clarification of the permitted and non-permitted uses in the zoning districts is necessary and proper to preserve the common good and the public health, welfare, and safety, and the regulations authorized by law and set forth herein are substantially connected with the public interest designed to be advanced; and

WHEREAS, the Borough believes that the nature of amusement games, the age of much of the market, and the strong likelihood of increased pedestrians and groups requires the Borough to restrict the conditional use to properties that are on Long Beach Boulevard and to exclude the conditional use from properties that are on 8th and 9th Streets; and

WHEREAS, the Borough Engineer, who is also a licensed professional planner, has prepared a report documenting and establishing the various reasons in support of this ordinance; and

WHEREAS, based upon the foregoing, the Borough finds that amusement game license uses authorized by Chapter 15.16 shall be limited as conditional uses in the Shore Commercial and General Commercial Districts on properties bordering Long Beach Boulevard.

NOW, THEREFORE, BE IT ORDAINED by the Mayor Council of the Borough of Ship Bottom as follows.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend Chapters 16.44, and 16.48 to clarify and confirm the permitted and prohibited uses in the Shore Commercial and General Commercial Districts and add a conditional use in each District.

SECTION I

§16.44.010AJ is hereby added as follows.

- J. Prohibited uses and buildings. All uses, buildings, and structures not expressly permitted in A and B above are prohibited.

SECTION II

§16.48.010J is hereby added as follows.

- J. Prohibited uses and buildings. All uses, buildings, and structures not expressly permitted in A and B above are prohibited.

SECTION III

§16.56.010C is repealed and replaced as follows.

- C. Amusement Game License Establishments.
1. Amusement game license establishments shall be permitted as conditional uses on any lot bordering and fronting upon Long Beach Boulevard within the Shore Commercial District and General Commercial District, provided the requirements of this subsection are met.
 2. The use shall be conducted within a totally enclosed, permanent building.
 3. Compliance with Chapter 5.16 of the Code shall be required.
 4. The use shall be conducted within a totally enclosed permanent building.
 5. The minimum lot size shall be 10,000 square feet.

SECTION IV

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION V

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

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

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at

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a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, January 23,, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on February 27, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

CERTIFICATION

I, **KRISTY DEBOER, RMC**, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance 2024-05 was duly adopted by the Mayor and Council at the meeting held on February 27, 2024, at 6:30 p.m.

Kristy DeBoer, RMC
Municipal Clerk

William Huelsenbeck
Mayor

3. 2024-06 Curfew Ordinance

The Mayor opened the floor for public comment on Ordinance 2024-06 on a motion and second by Councilmen Butkus and English and an all in favor vote. Seeing and Hearing no one wishing to speak on the Ordinance, The Mayor closed the public comment on a first and second by Councilmen Valyo and English and an all in favor vote. With that, the Mayor asked for a motion to approve or deny Ordinance 2023-06. Councilman Rossi made a motion, seconded by Councilman Tallon. A rollcall vote was heard with six in the affirmative. Ordinance 2024-06 was approved for final adoption. The Clerk made note that due to clerical error: The sections needed to be renumbered from 9.32.030 to 9.32.070; respectively. The content of the ordinance was not altered.

ORDINANCE 2024-06

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING CHAPTER 9.24, WHICH PERTAINS TO LOITERING, REPEALING CHAPTER 9.28 WHICH PERTAINS TO THE CURFEW, AND AMENDING CHAPTER 9.32, WHICH PERTAINS TO MISCELLANEOUS OFFENSES

STATEMENT OF PURPOSE

The purpose of this ordinance is to repeal Chapter 9.24 which regulates loitering, repeal Chapter 9.28 which relates to the Curfew, and repeal and replace Chapter 9.32 which regulates miscellaneous offenses in order to adopt, update, and reformat regulations relating to the peace and good order and the curfew.

SECTION I

Chapters 9.24 and 9.28 are repealed and marked "(Reserved)".

SECTION II

§9.32 is repealed and replaced with the following.

Chapter 9.32 Peace and Good Order.

§9.32.010 Public Obstruction and Sleeping.

- A. No person shall intentionally obstruct or interfere with pedestrian or vehicular traffic upon public pavilions, public parks, public docks, public boat ramps, or any other public places. Acts authorized as an exercise of one's Constitutional right to picket or legally protest and acts authorized by a permit issued shall not constitute obstruction.
- B. No person shall sleep in or on any public street, public sidewalk, public pavilion, public park, public docks, public boat ramps, or other public places in a manner that interferes with the passage of any vehicle or person or any person's use lawful use of said public places.
- C. It shall be unlawful to sleep in any parked vehicle at any time or to sleep or lie upon any public or quasi-public bench or seat or usurp the use of such bench or seat for the storage of bundles or other objects so as to prevent the reasonable use thereof by others.

§9.32.020 Illegal entry.

It shall be unlawful and illegal to enter, without legitimate and reasonable errand or business, upon any private property, hotel, rooming house, lodging place or other place of public accommodation, and not having previously

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obtained express or implied permission of the owner or person in lawful control and possession of such places above described, to make use of the furniture, showers, toilets or other like facilities there installed, or wander or roam about the premises.

§9.32.030 Disturbing good order and peace.

- A. It shall be unlawful and offensive conduct for any individual, either alone, or in the company of others, to revel, quarrel, brawl, disport or behave in a noisy, boisterous manner, emitting loud cries and other noises, or jostling those about them, or causing inconveniences to those about them, or to otherwise disrupt and disturb the public peace and dignity in any public or quasi-public place, public rights-of-way, public sidewalk, public park, public dock, public boat ramp, or in any building open for the accommodation of the public for entertainment, or for room accommodations.
- B. It shall be unlawful and offensive to enter upon any public or quasi-public place or private property without the consent of the owner or person in lawful control and possession thereof and to picnic, change apparel, dress or undress, or to urinate or defecate upon the premises or commit any other nuisance.

§9.32.040 Keeping and harboring of certain animals.

The Borough of Ship Bottom prohibits the keeping of the following animals.

- A. Animals commonly designated as wild animals, such as a lions, tigers, primates, bears, or any other similar animals or members of the dog or cat family usually living in a wild state.
- B. Horses, ponies, donkeys, mules, and any animals commonly referred to as livestock, such as swine, cattle, sheep, pigs, goats, chickens, ducks, geese, pheasants, pigeons, or any other fowl, singly or in any number, and any other related livestock or species.
- C. No person shall keep, harbor, maintain nor have in his or her possession, for any purpose whatsoever, at any place or location anywhere within the Borough, any animal of any sort, kind, or description which is capable of producing poison or venoms harmful or inimical to human beings. The prohibition in this section shall extend to animals whose venom or poison-producing organs or glands have been removed.

§9.32.050 Urinating in public.

- A. No person shall urinate, defecate, or expectorate on any public or private property or place, or within public view, or in any other place open to and used by the public or outdoors upon any private property.
- B. For purposes of this section as such pertains to urinating and defecating, there shall be a rebuttal presumption that this section was violated by a person who is in close proximity to what appears to the complainant or other witness to be fresh urine or feces and in the process of partially disrobing or dressing.

§9.32.060 Juvenile curfew.

- A. The following definitions shall apply to this Section.

GUARDIAN

A person other than a parent to whom legal custody of the juvenile has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

JUVENILE

An individual who is under the age of 18 years.

PUBLIC PLACE

Any place to which the public has access, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, unimproved lots, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot, or any other public building, structure, or area.

- B. Except as otherwise provided herein, juveniles shall not be permitted in any public place after 12:00 a.m. and until 5:00 a.m. the following day.
 - 1. Juveniles 14 through 17 years of age may travel to and from a business or occupation which the laws authorize a juvenile to perform.
 - 2. All juveniles may engage in errands involving medical emergencies and cultural, educational, and social events sponsored by religious or community-based organizations during curfew hours.
- C. Juveniles may be permitted outside in any public areas set forth above after 12:00 a.m. and until 5:00 a.m. the following day, provided they are accompanied by their parent or legal guardian.

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D. It shall be unlawful for any parent or guardian to knowingly allow an unaccompanied juvenile to be in any area set forth in Paragraph A above after 12:00 a.m. and until 5:00 a.m. the following day.

§9.32.070 Violations and penalties.

A violation of this article shall be punishable as provided in Title 1, General Provisions, Chapter 1.08, General Penalty.

SECTION III

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

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

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, January 23, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on February 27, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

CERTIFICATION

I, **KRISTY DEBOER, RMC**, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance 2024-06 was duly adopted by the Mayor and Council at the meeting held on February 27, 2024, at 6:30 p.m.

Kristy DeBoer, RMC
Municipal Clerk

William Huelsenbeck
Mayor

4. 2024-07 Updating Public Health/Property Maintenance /Rules and Regs for C/O and Construction/Site Plan Requirements

The Mayor opened the floor for public comment on Ordinance 2024-07 on a motion and second by Councilmen Rossi and English and an all in favor vote. Seeing and Hearing no one wishing to speak on the Ordinance, The Mayor closed the public comment on a first and second by Councilmen Butkus and English and an all in favor vote. With that, the Mayor asked for a motion to approve or deny Ordinance 2023-07. Councilman English made a motion, seconded by Councilman Valyo. A rollcall vote was heard with six in the affirmative. Ordinance 2024-07 was approved for final adoption

ORDINANCE 2024-07

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 2.80, WHICH PERTAINS TO THE BOARD OF HEALTH, AMENDING CHAPTER 8.20, WHICH PERTAINS TO PUBLIC HEALTH NUISANCES, AMENDING CHAPTER 8.32, WHICH PERTAINS TO WEED, BRUSH, FILTH, AND WASTE REMOVAL, AMENDING CHAPTER 15.04, WHICH PERTAINS THE PROPERTY MAINTENANCE CODE, AND AMENDING CHAPTER 15.06, WHICH PERTAINS TO CERTIFICATES OF OCCUPANCY AND SITE PLAN REQUIREMENTS

STATEMENT OF PURPOSE

The purpose of this ordinance is to delete Chapter 2.80 pertaining to the Board of Health, repeal and replace §8.20 adopting the Public Health Nuisance Code, repeal and replace Chapter 8.32 regulating Weed, Brush, Filth, and Waste Removal, repeal and replace Chapter §15.04.010 adopting the 2021 International Property Maintenance Code, and repeal and replace Chapter 15.06 setting forth rules and regulations pertaining to Certificates of Occupancy and Construction and Site Plan requirements.

SECTION I

Chapter 2.80 is deleted and marked (Reserved).

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SECTION II**

Chapter 8.20 is repealed and replaced with the following.

§8.20.010 Public Health Nuisance Code.

- A. Adoption by Reference. Pursuant to Chapter 188, Laws of 1950, the "Public Health Nuisance Code of New Jersey (1953)" is adopted by reference for the Borough with the exception of Sections IV and VI and made a part of this section without the inclusion of the text herein. The code defines and prohibits certain matters, things, conditions, or acts as a nuisance and authorizes the inspection of premises by the Board of Health and provides for removal or abatement of certain nuisances, as well as recovery of expenses incurred by the Board of Health.
- B. Public Record. 3 copies of the "Public Health Nuisance Code of New Jersey (1953)," plainly marked as to the sections adopted, have been placed on file in the office of the Borough Clerk and shall remain on file for the use and examination of the public.

§8.20.020 Additional Nuisances.

In addition to the matters, things, conditions, and/or acts prohibited in the "Public Health Nuisance Code of New Jersey (1953)," the following are declared to be nuisances.

- A. Below-Grade Lands.
 - 1. No property owner in the Borough shall maintain his or her property below the grade established by the Borough Engineer or permit or suffer to be maintained on his or her property any low areas wherein water may accumulate and which may become mosquito breeding pools.
 - 2. In the event that any property owner maintaining a nuisance on his or her property, as described in this subsection, shall fail to abate such nuisance within 30 days from receipt of written notice to do so, the Borough shall arrange for the abatement of the nuisance set forth in the notice, at the expense of the property owner involved, and the cost thereof as ascertained by the Borough, plus interest, shall be collected from the owner.
- B. Water Pollution. No person shall place upon the banks of or discharge into any natural body of water any material tending to pollute such water or maintain any toilet, cesspool, or other receptacle or device for the disposal of excrement or other waste matter, human or otherwise, which is not watertight or from which the waste matter escapes into any natural body of water for any reason, including flooding by storms or unusually high tides.
- C. Sanitation of Privies. No person shall maintain any cesspool, private disposal plant, outdoor toilet, or privy in any unsanitary condition, or so that offensive odors will emanate therefrom, or one not provided with a well-fitting fly-proof cover.
- D. Foul Discharges. No person shall discharge foul or nauseous liquids or kitchen slops from any establishment so that such liquids shall pass into or along any of the public streets or highways.
- E. Dead Animals. No person shall cast or lay the carcass of any dead animal or any excrement or filth on any roadway in the Borough or on any vacant land.
- F. No person shall neglect to provide and use garbage cans with tight fitting covers when disposing of garbage, litter, refuse, or rubbish. No person shall overload any garbage can so that the gross weight exceeds 100 pounds, nor shall any person willfully upset garbage cans on any street or sidewalk.
- G. Hazards to Persons.
 - 1. No person shall maintain or permit the maintenance on property owned or controlled by him or her of anything or condition likely to cause injury to any person, including but not limited to the following:
 - a. A water-filled excavation;
 - b. Any type of motor vehicle body, frame, or chassis, any motor vehicles unable to be self-propelled, or any abandoned motor vehicles;
 - c. A crumbling stone or brick wall imperiling a sidewalk area;
 - d. Abandoned boats or any type of recreational vehicle;
 - e. 1 or more mounds of girders, lumber, or other building material;
 - f. An uncovered or exposed wall;

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- g. An excavation or cellar which has remained uncovered or unfenced for 30 days;
 - h. Refuse and debris resulting from construction activities or the demolishing of a building which has remained on the land for a period of 1 month or more after completion of the construction or demolition work.
2. This subsection shall not apply to any lawful business requiring the maintenance of the thing or condition in question, provided there is compliance with all applicable laws, regulations, and provisions of the Borough Code and adequate precautions are taken to prevent injuries to persons and the public health, welfare, and safety.
- H. Bulkheads in Disrepair. No property owner shall allow bulkheads in such state of disrepair as to permit the earth and fill behind the bulkhead to wash into the tidal waters abutting the bulkhead or to endanger or be likely to endanger persons or property.
- I. Depressions or Holes Created Behind Bulkheads and Retaining Walls. No property owner shall allow depressions or holes created behind bulkheads and retaining walls as a result of the disrepair of such bulkhead or retaining wall as hereinabove described which may endanger or be likely to endanger persons or property.
- J. Noises. When the noise emanating from the following acts is clearly audible from at least 100 feet from the actor, source, or device, provided, however, that this enumeration shall not be deemed to be exclusive.
- 1. Radios, stereos, etc. The playing of any radio, television, stereo, musical instrument or other machine or device for the production or reproduction of sound in such a manner or in such volume as to unreasonably annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, or other type of residence, or to disturb the peace, quiet and comfort of neighboring inhabitants, or to play or operate the same with louder volume than is necessary for convenient hearing of the person or persons who are in the room, chamber, or venue in which said machine or device is operated and who are voluntary listeners to such sound.
 - 2. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on public streets or yelling, shouting, hooting, whistling, or singing at any other place, whether public or private, in such a manner and in such volume and intensity to disturb the peace and quiet of the neighborhood, or to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel or any other place of residence, or of any persons in the vicinity.
 - 3. Peddlers, hawkers, and vendors. The shouting of peddlers, hawkers, and vendors, in such a manner and in such volume and intensity to disturb the peace and quiet of the neighborhood, so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel or any other type of residence, or of any persons in the vicinity.
 - 4. Loudspeakers and amplifiers for advertising. The use, operation or permitting the playing, use or operation of any radio, television, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, store, or establishment.
- K. Construction equipment. Excluding emergency work, the operation of any equipment used in commercial construction, repair, alteration, or demolition work on buildings, structures, streets, or appurtenances thereto on residential or commercial property shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, 6:00 p.m. and 9:00 a.m. on Saturdays and federal holidays, and shall not be performed at all on Sundays.
- L. Landscaping equipment. Excluding emergency work, power tools, home maintenance tools, landscaping, and/or yard maintenance equipment used by residential operators (e.g., owners and tenants) shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g., commercial operators, public employees, and third parties) shall not be operated on a residential or commercial property between the hours of 6:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on Saturdays and federal holidays and shall not be performed at all on Sundays.
- M. Loading operations and refuse-compacting vehicles. Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage cans, garbage pickup, or similar objects, or the operating or permitting the operation of any motor vehicle which can compact refuse, and which creates, during the compacting cycle, a disturbing noise shall not be performed between the hours of 6:00 p.m. and 7:00 a.m., except that municipal waste pickup may begin at 6:00 a.m. on scheduled pickup days during weekdays.
- N. Animals. No person shall keep, harbor, or maintain any animals which habitually cries, barks, howls, caws, or otherwise disturbs the peace.
- O. Light.

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1. Placing or maintaining spotlights or other types of artificial lighting that provide a concentrated beam of light extending beyond any property lines.
2. Placing or maintaining spotlights or other types of artificial lighting extending beyond the vertical plane of the face of any building or structure that causes a beam of light to be reflected upon any adjoining property or public street.
3. All outdoor lighting shall be of a soft or glare-free type and shall not cast an illumination color which shall be distracting, obliterate, or obscure the view, or be ultraviolet, strobic, pulsating, flashing, travel, or of any unnatural kind.
4. No outdoor lighting or outdoor light fixtures shall shine directly upon any neighboring property or into any room or rooms of structures on any neighboring property in a manner that creates glare for the occupants of any neighboring property or in such a manner that the lighting constitutes an objectionable glare source.
5. No outdoor lighting or outdoor light fixtures at any property shall be permitted where such create light trespass.
6. No outdoor lighting shall be located on any structure adjacent to a natural body of water if such outdoor lighting creates glare, constitutes a safety hazard, or otherwise constitutes an objectionable direct glare source.

§8.20.030 Applicability.

This Chapter is intended to apply and to bind the owners, tenants, occupants, guests, and all other persons. This Chapter shall not apply to representatives and employees of the Borough performing tasks on official business of the Borough or for specific activities authorized by the Mayor and Council.

§8.20.040 Enforcement; Complaints.

- A. It shall be the duty of the Police Department and Code Enforcement Officials to determine whether or not this Chapter has been and is being complied with, and to enforce the provisions of this Chapter against any person violating the same.
- B. Any police officer or Code Enforcement Official or any individual person may file a complaint in Municipal Court violations of this chapter.

§8.20.050 Violations and Penalties.

Any person who is convicted of a violation of this Chapter shall be punishable as provided in Chapter 1.08, General Penalty.

SECTION III

Chapter 8.32 is repealed and replaced with the following.

Chapter 8.32 Weed, Brush, Filth, and Waste Removal

§8.32.010 Purposes and General Regulations

- A. It is necessary to ensure that lands, lots, buildings, premises, dwellings, and structures (collectively "Lands and Structures"), as well as the public rights-of-way in the streets, sidewalks and easements, are free from debris, filth, brush, trash, refuse, solid waste, weeds, dead and dying trees, stumps, roots, obnoxious growths, obnoxious materials, soil, sediment, and other discarded materials, including, but not limited to discarded furniture, appliances, and pipes (collectively "Debris") in order to protect against, remedy, and eliminate threats to persons, property, and the public health, welfare, and safety, health and fire hazards, to protect private property rights, economic activities, and neighboring property values, and prevent both public and attractive nuisances.
- B. In is further necessary to prevent deep spots, depressions, and holes (hereinafter collectively "Depressions") on certain lands and lots from accumulating stagnant water and debris, conditions which poses a threat to the public health, safety, and welfare, including, but not limited to, creating fire hazards, health hazards, and providing breeding grounds for mosquitoes, flies, other insects, rodents, and vermin.
- C. It is further necessary to ensure that lands and lots are graded and maintained to control soil erosion and sediment, which conditions cause and pose threats to persons, property, and the public health, welfare, and safety, create fire and health hazards, diminish and damage private property rights, economic activities, and neighboring property values, and constitute both public and attractive nuisances.

§8.32.020 Duties of Owners and Tenants

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- A. Property owners and tenants shall be responsible to ensure that the Lands and Structures that they own or at which they have legal possessory interests and the corresponding public rights-of-way and easements are free from Debris and the Depressions and do not pose threats to the public health, welfare, and safety as set forth in §8.32.010.
- B. Property owners and tenants shall be responsible to remove the accumulation of all soil and/or sediment from the public rights-of-way adjacent to their properties in the streets and easements within 24 hours of any accumulation of any such soil and/or sediment.
- C. It shall be the responsibility of the property owners to grade and maintain the land to control soil erosion and sediment damages in compliance with the requirements of §16.52. All necessary soil erosion and sediment control measures shall be installed to prevent the accumulation of soil and sediment onto adjacent properties and the public right-of-way adjacent to the owners' properties.

§8.32.030 Designated Public Officers

The Borough designates, charges, and authorizes the Director of the Long Beach Island Health Department, a public officer of the Borough designated by said Director, the Code Enforcement Officer, and other public officers that may be designated by resolution of the Mayor and Council as the public officers charged with the authority to carry out the provisions of this ordinance.

§8.32.040 Duties of Owners and Tenants.

- A. It shall be the duty of the owners, tenants, and the persons in possession of any lands and structures to maintain those lands and structures free from debris and to keep same maintained in a clean, safe, and sanitary condition.
- B. It shall be the duty of the owners, tenants, and persons in possession of any lands and structures to maintain those lands and structures free from Depressions and that all Depressions that occur or are created are filled with a clean fill to a street grade height of 8 inches.
- C. It shall be the duty of the owners of any lands and structures to grade and maintain the land to control soil erosion and sediment damages in compliance with the requirements of §16.52. It shall be the duty of the owners, tenants, or persons in possession of any lands and structures to remove the accumulation of all soil and/or sediment from the public rights-of-way adjacent to their properties in the streets and easements within 24 hours of any accumulation of any such soil and/or sediment.
- D. Should the owners, tenants, or persons in possession of any lands and structures fail to maintain those lands, structures, public rights-of-way, streets, and easements in accordance with the duties set forth herein, the Designated Public Officer may serve notices of penalties and removal as provided herein.
- E. It shall be the duty of the owners, tenants, or persons in possession of any lands and structures to remove debris, fill depressions, and otherwise comply with Subsections A through D above within 10 days after receipt of notice from the Designated Public Officer pursuant to §8.32.040.

§8.32.050 Notice to Owners or Tenants and Service Provisions.

Notices shall be served in writing either personally or by registered mail to the owners, tenants, and persons in possession and by posting it upon the lands and structures, if possible, in a conspicuous place. If the whereabouts of an owner is unknown and cannot be ascertained by and through the exercise of reasonable diligence, and service cannot be made by way of personal service or registered mail, the Designated Public Officer exercising the authority provided herein shall make an affidavit to that effect and then cause notice to be published in a newspaper circulating in the Borough at least once and not less than 30 days before the improvement is made by the Borough. Proof by affidavit of service of the notice shall be filed with the officer in charge of the records of tax liens, but failure to file the proofs shall not invalidate the proceedings if service has been made as hereinbefore provided.

§8.32.060 Removal and Abatement; Costs established as Lien.

- A. If the owner, tenant, or person in possession of any lands and structures in question fails to abate the condition(s) complained of in the notice within 10 days after receipt of same or 30 days after publication in the newspaper, and if service is not effectuated by personal or registered mail, the Debris may be removed and Depressions filled by or under the direction of the Designated Public Officer and the removal and fill may be performed under that direction by either the Borough employees or by third-party contractors pursuant to the provisions of the Local Public Contracts Law, unless the action is necessary to prevent imminent danger to life, limb, or property, in which case no-bid contracts may be entered.
- B. Where the Debris shall have been removed and/or Depressions filled by the Borough pursuant to the terms herein, the Designated Public Officer shall certify the cost thereof to the Mayor and Council. The Mayor and Council shall examine the certificate, and if it shall be found correct, the Mayor and Council shall cause the cost as shown thereon to be charged against the lands and structures from which the Debris was removed and/or the Depressions filled. The amount so charged shall forthwith become a lien upon the lands and shall be added to become and form a part of the taxes next to be assessed and levied upon the lands, the same to

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bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

- C. The responsibilities of the tenants and owners shall not be diminished by the requirement providing for removal of Debris and filling of Depressions by the Borough herein. Removal, abatement, and/or fill by the Borough shall be an alternate, optional procedure to remedy, abate, and alleviate the threats to persons and property and the public health and dangers to public health, safety, and welfare in the event that the tenant and/or owners do not comply with their duties and the notice provided herein.
- D. In the event the Borough removes, abates, and/or fills pursuant to its authority herein and does not secure the services of third-party contractors, the Borough shall charge for all costs related to the services provided by the Borough employees and officials for the removal, abatement, and fill performed, as to be determined by the Mayor and Council. In the event the Borough removes, abates, and/or fills pursuant to its authority herein and secures the services of third-party contractors pursuant to the terms herein, the Borough shall charge the amount for the costs and fees charged by the third-party contractors.
- E. In addition to the assessment of a municipal lien against the premises upon which the Debris or Depression was situate, as aforesaid, the Borough may also elect to enforce the payment of the assessment of the entire cost of the removal of the debris and filling of the depression, together with interest, as a debt of the owner of the premises and may authorize the institution of an action at law for the collection thereof.

§8.32.070 Authorities of Public Officers, Designated Persons, and Contractors.

A. Powers.

- 1. The Designated Public Officer is charged with and authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including, all powers provided by N.J.S.A. 40:48-1, et seq., and, in addition to the others granted herein, the following powers:
 - a. To investigate the conditions of the lands and structures;
 - b. To administer oaths, affirmations, examine witnesses, and receive evidence;
 - c. To enter upon the Lands and Structures for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the person(s) in possession, except in circumstances that poses imminent threat and harm to the public health, welfare, and safety;
 - d. To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purpose of this ordinance; and
 - e. To delegate any of the functions and powers under the ordinance to such officers and agents as he may designate.
- 2. All third-party contractors retained to remove Debris and fill Depressions shall have the right to enter upon the lands and structures to effectuate all actions required to conduct the removal and filling and actions related thereto under the direction of the designated public officer.

- B. The Designated Public Officer, upon inspection of the Lands and Structures, shall set forth a written report and/or description of the Debris and Depressions, which shall be filed in the Public Officer(s) department and a copy with the Clerk of the Borough. The notice served in accordance with §8.32.050, however, shall not include the written report and/or description, but generally set forth the Debris that shall be removed and/or the Depressions that shall be filled within 10 days after receipt of the notice.

§8.32.080 Violations and Penalties.

Any person who is convicted of a violation of this Chapter shall be punishable as provided in Chapter 1.08, General Penalty.

SECTION IV

§15.04 is repealed and replaced with the following.

§15.04.010 Adoption of Property Maintenance Code.

- A. The 2021 International Property Maintenance Code is hereby adopted as the Borough Property Maintenance Code, together with any subsequent amendment, change or supplement thereto, is adopted and incorporated as fully as if set out at length herein, save and except such portions as are deleted, modified, or amended, if any, prescribed herein and as set forth in the Borough Code.
- B. The changes, additions, and exceptions to the International Property Maintenance Code are as follows (section references hereinafter set forth are to sections as set forth in said International Property Maintenance

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Code).

1. Section PM-101.1 (page 1, second line): insert "Borough of Ship Bottom."
2. Section PM-102.3 is deleted and replaced with, "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the State Uniform Construction Code Act, the State Uniform Safety Act, the Borough Code, and any other standards or procedures required by the laws of State of New Jersey and by federal law. If none are applicable, repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code and the ICC Electrical Code."
3. Section PM-103.1 is deleted.
4. Section PM-103.2 is deleted and replaced with "Inspections and issuing orders in connection therewith under the provisions of the 2006 International Property Maintenance Code shall be the exclusive responsibility of the Code Enforcement Official."
5. Sections 107 and 108 are deleted. The Borough may elect to issue a Notice of Violation and provide a time period within which to remedy the violation and/or issue a Summons in accordance with Chapter 1.08, General Penalty and/or avail itself of any remedies at law and equity in the Superior Court of New Jersey.

§15.04.020 Copies on File.

Three (3) copies of the said code, entitled the "2021 International Property Maintenance Code," as prepared and published by the International Code Council, marked with amendments and deletions hereinabove set forth, are to be filed in the office of the Borough Clerk and shall remain on file there for use and examination by the public.

§15.04.030 Violations and Penalties.

Any person who is convicted of a violation of this Chapter shall be punishable as provided in Chapter 1.08, General Penalty.

SECTION V

A new Chapter 15.06 is adopted as follows.

Chapter 15.06 Certificates of Occupancy and Approval

§15.06.010 Certificates of Occupancy and Approval.

- A. It is unlawful to permit the use and/or occupancy of any structure or part thereof until a Certificate of Occupancy has been issued by the Code Enforcement Officer for a Transfer of Title Certificate of Occupancy or by the Construction Official for all other Certificates of Occupancy in accordance with this Chapter and the Uniform Construction Code, as applicable.
- B. A Certificate of Occupancy shall be secured from the Code Enforcement Officer and required as follows.
 1. Pursuant to the requirements set forth in N.J.A.C. 5:23-2.23.
 2. Upon the completion of construction of any new building.
 3. Upon the completion of construction of any addition to an existing building, which addition requires a building permit.
 4. Upon the change in use of and/or addition of any use to any building and/or property and any use that requires site plan approval. The change in use shall also require a new zoning permit.
 5. The change in ownership by transfer of title to any existing structure.
- C. To secure a Certificate of Occupancy, a written application shall be completed and all applicable requirements of the Uniform Construction Code, this Chapter, and the Borough Code, as applicable, shall be met.
 1. Unless additional time is agreed upon by the applicant in writing, a Certificate of Occupancy shall be granted or denied in writing within 10 business days from the date a complete application is filed.
- D. Notwithstanding the foregoing, a Certificate of Approval shall be issued for all work that requires a construction permit but does not require a Certificate of Occupancy. No application shall be required for a Certificate of Approval.
- E. As a condition of securing a Certificate of Occupancy or Certificate of Approval, the owner shall permit the

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designated Borough officials to enter upon and in and examine and inspect the property and structure(s) subject to the certificate of occupancy application for compliance with the applicable requirements.

§15.06.020 Requirements for all Certificates of Occupancy.

- A. The structures shall conform with Title 16 and the use is a permitted use or exists as a valid preexisting nonconforming use and conform to all applicable Uniform Construction Code and Borough Code requirements.
 - 1. The Certificate of Occupancy permit shall reflect the use for which the building is permitted. A person shall not be permitted to occupy a building unless he or she receives an occupancy permit and unless the nature of the occupancy conforms to what is set forth in the Certificate of Occupancy.
 - 2. The applicant shall permit the Zoning Officer, or his or her designated representative, to enter upon and examine the structures subject to the application to confirm the property conforms to the zoning provisions, or, if not, that the property exists as a valid nonconforming use.
- B. No person shall occupy or allow any person to occupy any structure used for commercial or residential purposes without first having obtained a Certificate of Occupancy.
- C. With the exception of transfer of title Certificates of Occupancy, all local taxes and assessments on the property shall be required to be paid as a condition of approval of a Certificate of Occupancy.
- D. A smoke detector shall be installed in accordance with the following.
 - 1. All smoke detector units shall be powered by an alternating current (AC) constantly active electric circuit which cannot be deactivated by the operation of any interconnected switching device and shall comply with the latest NFPA 70 electrical code. As an alternative, battery-powered single smoke detector units may be installed in dwelling units provided that the following conditions are met.
 - a. The owner or his or her representative shall inspect and maintain all smoke detector units and replace batteries in all smoke detector units annually or as otherwise required per manufacturer's printed recommendations.
 - b. The owner or his or her representative shall place a tag on each smoke detector unit and shall place the date of inspection and his or her initials on the tag.
 - c. Entries shall be made on the tag upon initial installation. An entry made on a tag shall constitute a certification that the smoke detector unit is operating properly. Tags shall be affixed so as not to impair the functioning of the smoke detector unit.
 - 2. All smoke detector units shall be listed, shall meet the latest requirements of U.L. 217 and shall be installed and maintained as per the manufacturer's recommendations and shall comply with the latest NFPA No. 72E and 74 standards except as otherwise provided.
 - 3. Single station smoke detector units shall have integral alarms capable of emitting a minimum sound intensity of 85 DBA at a 10-foot distance with an easily seen and easily activated manual unit test button, or approved alternative and a power source monitor light or trouble signal.
 - 4. Multiple station smoke detector units shall be either a series of interconnected single station units or smoke detectors of the non-self-contained type which are interconnected to a common alarm system.

§15.06.030 Construction and Site Plan Requirements.

- A. A current plot plan of the premises, which plot plan shall show the location of all improvements at the site.
- B. Site plan, subdivision, and variance approvals, as may be necessary, have been granted by the appropriate agency or agencies in accordance with the provisions of the Borough Code, and the property complies with the requirements for approvals and the Borough Code.
 - 1. With respect to any finally approved subdivision and/or site plan or subsection of such subdivision, a certificate of occupancy shall be issued only upon the written confirmation by the Borough engineer to the construction official of the completion of the following improvements as such improvements may be required as part of subdivision and/or site plan approval:
 - a. Curbs;
 - b. All utilities;
 - c. Water supply and sewerage treatment facilities, which shall be functioning and servicing

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the property in question;

- d. Storm drainage facilities;
 - e. Final grading of the property;
 - f. Base course (in the case of subdivisions) or final course (in the case of site plans) of the street or streets serving the property;
 - g. Base course (in the case of subdivisions) or final course (in the case of site plans) of driveways and parking areas;
 - h. Landscaping; and
 - i. Any other improvements required as part of subdivision and/or site plan approval.
5. With respect to any individual residential lot within a subdivision or any building containing townhouses or apartments, a certificate of occupancy shall be issued only upon the written confirmation by the Borough engineer to the construction official of the completion of the following improvements, in addition to those listed in Subsection (E)(4) of this section, to the extent the improvements are required as part of a subdivision and/or site plan approval:
- a. Sidewalks;
 - b. Driveway aprons; and
 - c. Street names and regulatory signs.
- C. The applicant shall have submitted a certification by a licensed architect or engineer, sealed by the said architect or engineer, certifying compliance with all provisions of Chapter 16.68, Flood Hazard Prevention, and all National Flood Insurance Program regulations. The Code Enforcement Officer shall certify to the Mayor and Council the compliance or noncompliance of any building located in the Borough with appropriate National Flood Insurance Program regulations and conformance with the provisions of Chapter 16.68, Flood Hazard Prevention.
- D. The Code Enforcement Officer shall receive a certification from the Tax Collector that all taxes and water/sewer charges have been paid and are current on the premises for which a Certificate of Occupancy is sought.
- E. Approval in writing shall be delivered to the Code Enforcement Officer from the Water and Sewer Department certifying compliance with all rules and regulations of the Water and Sewer Department. The Code Enforcement Officer shall request in writing the approval or denial from the Water and Sewer Department, and the Department shall respond in writing within 3 days of the receipt of the written request by the Code Enforcement Officer.

§15.06.040 Temporary Certificate of Occupancy.

- A. A temporary Certificate of Occupancy may be issued although not all requirements have been complied with pursuant to the Uniform Construction Code.
- B. In the event that the applicant shall seek a Temporary Certificate of Occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the applicant shall furnish a separate guarantee in favor of the Borough in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the Temporary Certificate of Occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent Certificate of Occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee.
 - 1. Upon posting of a Temporary Certificate of Occupancy guarantee, all sums remaining under a performance guarantee that relate to the development, unit, lot, building, or phase of development for which the Temporary Certificate of Occupancy is sought shall be released. The scope and amount of the Temporary Certificate of Occupancy guarantee shall be determined by the Borough Engineer. At no time may the Borough hold more than one guarantee or bond of any type with respect to the same line item. The Temporary Certificate of Occupancy guarantee shall be released by the Borough Engineer upon the issuance of a permanent Certificate of Occupancy with regard to the development, unit, lot, building, or phase as to which the Temporary Certificate of Occupancy relates.
 - 2. The scope and amount of the Temporary Certificate of Occupancy guarantee shall be determined by the Construction Code Official or Zoning Officer or their designee, and the form of the guarantee shall be approved by the Borough Attorney. The Temporary Certificate of Occupancy guarantee shall be released by the Construction Code Official or Zoning Officer or their designee upon the

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issuance of a permanent Certificate of Occupancy with regard to the development, unit, lot, building, or phase as to which the Temporary Certificate of Occupancy relates.

§15.06.050 Transfer of Title Certificate of Occupancy.

- A. No transfer of title by the owner of any real property shall take place unless and until a new Certificate of Occupancy or the owner otherwise complies with the requirements set forth herein.
- B. The application shall include a current plot plan of the premises, which plot plan shall show the location of all improvements at the site, and an elevation certificate.
- C. In the event a transfer of Certificate of Occupancy cannot be issued due to the failure to comply with the applicable requirements, the new owner shall submit a written request to the Code Enforcement Officer and sign an affidavit setting forth that the property shall not be occupied until all requirements are satisfied, the requirements are approved by the Borough, and a Certificate of Occupancy is approved.
- D. Prior to the issuance of a Certificate of Occupancy such certificate shall be submitted to the Building Department on the form provided by the Building Department and be accompanied by a recorded deed, recorded in the Ocean County Clerk's Office at Toms River, New Jersey, which recorded deed shall contain the following specific language:

NOW, here is hereby imposed upon the lands described herein a restrictive covenant advising all future owners of the said lands whether acquired by conveyance, inheritance or otherwise that the lands may only be used in accordance with flood regulations established by the Federal Emergency Management Agency (FEMA). A violation of any of the said FEMA regulations may result in:

- A. An issuance of a summons returnable in the Municipal Court of the Borough of Ship Bottom or any other Court having appropriate jurisdiction, subjecting the defendant to a fine of not less than One Hundred (\$100) Dollars nor more than One Thousand (\$1,000) Dollars per day, or such greater or lesser fine as may be permitted by law, for each and every day that any violation of the said FEMA regulations are violated; or
- B. Subject the owner of the lands to an action in the Chancery Division, Superior Court of New Jersey or any other court having injunctive jurisdiction for a mandatory injunction compelling the owner to remove any structures or improvements which violate the FEMA regulations.

By acceptance of title to the lands encumbered hereby, any owner thereof whether title be acquired by Deed of conveyance, inheritance or otherwise, grants to the appropriate inspection officers of the Borough of Ship Bottom the right upon forty-eight (48) hours advance notice to inspect, during normal business hours, the areas of any structure located on the lands which lie below the base flood elevation (BFE) as defined by FEMA regulations in order to determine compliance with such regulations and for a failure to permit such inspection, the owner of the lands may be subject to Complaint returnable in the Municipal Court of the Borough of Ship Bottom which may result in a fine of not less than One Hundred(\$ 1 00) Dollars nor more than One Thousand (\$1,000) Dollars per day, or such greater or lesser fine as may be permitted by law, for each and every day which inspection is refused.

- E. Where two or more detached dwelling units exist on one parcel of land, whether or not they exist under separate ownership, condominium ownership, time share ownership or any other type of individual or multiple ownership, the seller(s) shall be required to install separate water and sewer services and connections for each dwelling unit. If such services and connections are not installed prior to the issuance of the certificate of occupancy, the seller(s) shall provide the construction official with a letter signed by a responsible official of each of the applicable utility companies stating that the required fees have been paid by the seller(s) for the required utility connections and service, and that the required connections and service shall be installed.

§15.06.060 Denial of Certificate.

- A. No Certificate of Occupancy shall be issued unless the property is in full compliance with the Uniform Construction Code and the Borough Code.
- B. Should a Certificate of Occupancy be denied, the reason(s) for denial so shall be stated on 2 copies of the application and 1 copy shall be returned to the applicant.

§15.06.070 Fees.

The required fees are set forth in Chapters 15.18 and 16.84.

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§15.06.080 Violations and Penalties.

Any person who is convicted of a violation of this Chapter shall be punishable as provided in Chapter 1.08, General Penalty.

SECTION VI

§16.88.030E is deleted.

SECTION VII

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VIII

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

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

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, January 23, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on February 27, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

10. CORRESPONDENCE

Mayor Huelsenbeck asked for a motion to approve the correspondence. Councilman English made a motion to approve, seconded by Councilman Rossi. A rollcall vote was heard with six in the affirmative, none opposed. Motion granted.

1. Grace Calvary Church- Use of March 31st.
2. Ocean Community Church Use of 6th St. beach March 31st.
3. Kiwanis Club letter of appreciation and "Happy Feet" sock collection request
4. SRHS Request for Senior Service Day May 30th
5. LBI Chamber-Kite Festival 2024
6. Fellowship Christian Athletes Meetings Bay/Ocean beaches

11. COMMITTEE REPORTS

Mayor's Report

Revenue and Finance/Treasurer's Report Councilman David Hartman

Councilman Hartman read the Treasurer's Report and asked that the report be spread in the minutes. He then moved on to report that the 2024, first quarter taxes were due Friday, February 1. To date, there are 91 properties that have not paid their real estate taxes. The current collection rate is 95%. Delinquent notices were mailed out to all properties that have now paid their 1st quarter taxes. Those notices were mailed out on February 16th. The tax office will start making phone calls this week to those property owners. The Tax Collector is compiling the property list for tax sale and it will be posted on the bulletin board in the Borough Hall. The tax sale will be held in April. Seniors should have received their tax freeze booklets in the mail and they should bring them to the tax office to be filled out. The amount collected in taxes this month was 3,174,984.80.

Public Safety

Councilman Tom Tallon

Mr. Tallon reported the following:

Calls for service-694

Motor Vehicle Stops-221

Motor Vehicle Stops-221

Motor Vehicle Accidents -03

Total Reports Taken-33

Arrests -06

Parks and Recreation

Councilman Edward English

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Council President English announced the upcoming events and concert schedule:
The concert schedule is as follows:

- | | |
|------------------------------|---|
| Bullzeye Band-June 17 | The Verdict- August 1 |
| Simmerr – July 3 (Wednesday) | Dread Pilots – August 8 |
| Pure Petty – July 11 | The Chris Fritz Band – August 15 |
| Studio Two – July 18 | Danny’s 52 nd St. Band – August 22 |
| Tequila Rose Band- July 25 | Jimmy and the Parrots- August 29 |

Additionally, he announced that the Memorial Day Ceremony will be held, again, this year, at the boat ramp at 1:00 PM

Last, he read the Beach Patrol Report. The 2024 beach badge order was submitted to the Finance Department. Lifeguard tryouts will be held on, June 1 and 8, at the St. Frances Community Center from 5 pm to 8 pm. Drug urinalysis testing is scheduled for May 18 and 25 and June 1 and 8 from 10 am to 12 pm at the lifeguard headquarters building. Necessary purchases for the upcoming season are underway. Lifeguard-in-Training (LIT) Program information has been posted on the borough website. The lifeguard, badge checker and LIT uniform bid specifications are being put together in order to obtain a formal quote. All information regarding summer employment with the Beach Operations Department can be found on the borough website.

Public Property & Community Affairs Councilman Joseph Valyo

Councilman Valyo made note that the construction and zoning reports were not available and that he would report at the next council meeting.

He then reported the Code Enforcement Report.

CODE ENFORCEMENT	Verbal Warnings	Written Warnings	Summons
Unfit Properties	0	1	0
Garbage Container	8	27	0
Recycling Container	11	32	0
Trailer on Street	1	11	0
Illegal Signs/Cones	0	2	0
Temporary Storage Containers	0	4	0
Pavers, Fiberglass	0	0	0
Construction Equipment On Street	5	2	0
TOTALS:	25	79	0

CERTIFICATE OF OCCUPANCY INSPECTIONS

4 TOTAL ALL PASSED

Water/Sewer

Councilman Robert Butkus

Councilman Butkus reported that fifty-nine properties have not paid their final water/sewer bills form December 2023. Delinquent notices have been mailed to those property owners and phone calls have also been made. If not paid, those properties will go into tax sale. There were many broken water lines due to frozen pipes this winter. All property owners should be winterizing and/or shutting their outside water off to avoid this from happening. Ship Bottom Water/Sewer Department will turn water off if leaks are discovered. It is the property owner’s responsibility to correct the leaks and have their water turned back on. Twenty-two properties on West 17th Street have now become metered and will receive their first metered bill in March. Any questions, please call the Water/Sewer Department at the Borough Hall.

Total amount collected for water/sewer was \$97,742.96.

Public Works

Councilman Peter Rossi

Councilman Rossi read the Department of Public Works Report.

Police Department and DPW car repairs were done, Metal picked up, Christmas trees picked up, metal and railings for water plant picked up, installed railings at water plant, event meeting, repaired and painted green benches, repaired and painted lifeguard benches, repaired and painted lifeguard boxes, cleaned up litter on the street ends and bayside street ends. Repaired cat walk at boat ramp due to missing boards, put up shelves for PD, put shelves up in courtroom, calculated fuel slips for month, snow plow repairs, salted Borough Hall, Fire Department and Rescue Squad, built table for Borough Hall kitchen, fire extinguisher inspection, made and installed shelves for the borough hall kitchen, checked generators, moved all boxes form borough hall archives, put coat hook up for Joe Valyo, replaced pilings at Sunset Point, installed file holders on wall at borough hall, repaired light at Sunset Point, beach rake repairs (full rebuild), fence repairs 3rd St. yard, repaired ramp at 3rd Street for beach trash dumpster, playground inspection, beach walkways and boat ramp boardwalk inspection, heart light was taken down and replaced with a shamrock, two DPW trucks were delivered, February 17, called in for snow removal, roof

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installed on pavilion on 25th Street, and pot hole repairs were done throughout town.

11. **PUBLIC COMMENT**

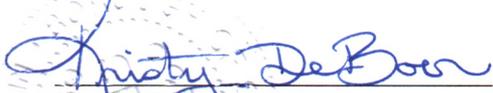
Mayor Huelsenbeck opened the floor for public comment on a motion by Councilman Hartman, seconded by Councilman English and an all in favor vote.

Todd MacLennan, Fire Chief, SBVFC, inquired about the LOSAP fees. He wondered if the Mayor and Council had come to a decision to increase the contributions for the program. All of council agreed that they were in favor for the increase and they would look at the cost of living increases on a yearly basis.

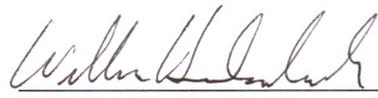
With no one else wishing to speak Mayor Huelsenbeck closed the floor for comment on a motion by Councilman Rossi, seconded by Councilman Butkus, and an all in favor vote.

12. **ADJOURN THE MEETING**

On a motion by Councilman Rossi, seconded by Councilman Butkus and an all in favor vote, Mayor Huelsenbeck adjourned the meeting at 7:24 PM.



Kristy DeBoer
Municipal Clerk



William Huelsenbeck
Mayor

**BOROUGH OF SHIP BOTTOM
TREASURER'S REPORT
OCEAN FIRST BANK
JANUARY 2024**

<u>ACCT TITLE/ ACCOUNT #</u>	<u>BALANCE</u>	<u>DEPOSITS</u>	<u>DISBURSEMENTS</u>	<u>ENDING BALANCE</u>
GENERAL OPERATING	5,932,054.28	1,504,634.25	1,429,591.57	6,007,096.96
GENERAL CAPITAL	1,426,565.29	2,927.99	376,660.89	1,052,832.39
UTILITY OPERATING	1,839,221.81	332,947.95	431,696.97	1,740,472.79
UTILITY CAPITAL	2,134,431.01	5,216.44	45,673.16	2,093,974.29
GENERAL TRUST	192,398.25	16,571.46	4,585.00	204,384.71
CONSTRUCTION TRUST	8,345.33	17,893.53	8,030.00	18,208.86
DOG TRUST	950.76	16.37	-	967.13
PUBLIC DEFENDER	1,034.15	2.55	-	1,036.70
TAX SALE PREMIUMS	17,991.17	44.38	91.17	17,944.38
FORFEITURE OF FUNDS	21,195.49	52.33	-	21,247.82
PAYROLL	29,680.13	263,427.25	255,685.50	37,421.88
ALCOHOL EDUCATION	15,483.30	38.22	-	15,521.52
CREDIT CARD ACCOUNT	320,857.18	829.17	-	321,686.35
GRANT FUND	66,733.26	160.41	23,131.73	43,761.94
ACCUMULATED ABSENCE	782,504.54	1,931.76	-	784,436.30
TIME CAPSULE	424.13	1.05	-	425.18
ESCROW	291,749.70	75,956.46	4,872.64	362,833.52

Type: All
Range: First
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last

Include Project Line Items: Yes
to Last
First Enc Date Range: 01/25/24 to 12/31/24
Include Non-Budgeted: Y

Open: N
Rcvd: N
Bid: Y

Paid: Y
Held: N
State: Y

Void: N
Aprv: Y
Other: Y
Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ACCES005 ACCSES-NEW JERSEY, INC.									
		24-00221	02/27/24	PORTER SERVICE	Open	1,123.20	0.00		
ACTUN010 ACTION UNIFORM CO, LLC									
		24-00160	02/14/24	CS410 S/S POLO	Open	478.00	0.00		
		24-00161	02/14/24	CS410 S/S POLO	Open	478.00	0.00		
		24-00162	02/14/24	CS410 S/S POLO	Open	488.00	0.00		
		24-00163	02/14/24	CS410 S/S POLO	Open	488.00	0.00		
						1,932.00			
ADTC005 ADI COMMERCIAL									
		24-00192	02/15/24	SERVICES PROVIDED 12/29-1/28	Open	62.50	0.00		
		24-00224	02/27/24	SERVICES PROVIDED 2/29-3/28	Open	62.50	0.00		
						125.00			
APPRI005 APPRIVER, LLC									
		24-00190	02/14/24	HOSTED EMAIL - JAN TO FEB	Open	353.40	0.00		
APRUZ005 APRUZZESE MCDERMOTT MASTRO &									
		24-00186	02/14/24	PROFESSIONAL SERVICES RENDERED	Open	2,049.00	0.00		
COAST010 ATLANTIC PRINTING & DESIGN									
		24-00146	02/14/24	HAND PRINT CARDS 8X8	Open	47.94	0.00		
AWISCO05 AWISCO-NEW YORK CORP									
		24-00157	02/14/24	COMPRESSED OXYGEN, ACETYLENE	Open	54.00	0.00		
BANK0010 BANK OF NEW YORK MELLON									
		24-00109	01/30/24	NJEIT 2008 A (Cw) S340 311-02	Open	4,001.35	0.00		
		24-00111	01/30/24	NJEIT 2008 A W1528001-001	Open	8,215.54	0.00		
						12,216.89			
BARBA010 BARBARA COURTS									
		24-00215	02/27/24	COURT RECORDER 2/12/24	Open	75.00	0.00		
BEACH020 BEACH HAVEN AUTOMOTIVE, INC									
		24-00211	02/27/24	FEB INVOICES	Open	1,641.54	0.00		
BNET0005 BNET									
		24-00152	02/14/24	2023 Christmas Parade Support	Open	654.48	0.00		
BONNIO10 BONNIE R. PETERSON									
		24-00138	02/13/24	PROFESSIONAL SERVICES RENDERED	Open	1,125.00	0.00		B
BORO0010 BORO OF SHIP BOTTOM - TRUST									
		23-00046	01/23/23	to reserve in trust acct	Open	5,000.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BARBE010 H. BARBER & SONS, INC.	24-00116	01/31/24		Open	10,788.09	0.00		
HOMED010 HOME DEPOT CREDIT SERVICES	24-00125	02/02/24	T-DOCK/SHOP SUPPLIES 12/27/23	Open	282.52	0.00		
	24-00141	02/14/24		Open	1,869.41	0.00		
	24-00203	02/23/24		Open	1,643.78	0.00		
					3,795.71			
IACP010 IACP	24-00153	02/14/24	2024 Chief Dues	Open	190.00	0.00		
INSTI010 INSTITUTE FOR PROFESSIONAL DE	24-00220	02/27/24	YEAR END PENALTY WEBINAR	Open	50.00	0.00		
JRALP010 J. RALPH BARNETT	24-00177	02/14/24	new boots	Open	197.99	0.00		
JERSE010 JERSEY CARE DIAGNOSTICS	24-00206	02/26/24	2024 DAILY & WEEKLY BADGES	Open	20,692.00	0.00		
FAZZI010 JOSEPH FAZZIO STEEL	24-00117	01/31/24	metal products	Open	541.82	0.00		
JOYCE005 JOYCE MEDIA LLC	24-00188	02/14/24	WEB HOSTING/SSL CERT/UPDATES	Open	398.60	0.00		
JPMON005 JP MONZO MUNICIPAL CONSULTING	24-00222	02/27/24	FINANCE WEBINARS	Open	50.00	0.00		
KONIC010 KONICA MINOLTA BUSINESS	24-00170	02/14/24	ALL COVERED CARE FEB 2024	Open	1,687.09	0.00		
	24-00181	02/14/24	OFFICE MOVE & NETWORK UPGRADE	Open	40,981.00	0.00		
	24-00183	02/14/24	CISCO MERAKI ADVANCED SECURITY	Open	589.05	0.00		
					43,257.14			
KONIC005 KONICA MINOLTA PREMIER FINANCE	24-00176	02/14/24	COPIER LEASE PMT - FEB 2024	Open	228.11	0.00		
LANGU010 LANGUAGE SERVICES ASSOCIATES	24-00194	02/15/24	INTERPRETATION SERVICES	Open	6.30	0.00		
LONGB040 LONG BEACH TWP	24-00166	02/14/24	REIMB/FEES COLLECTED JAN 2024	Open	4,096.00	0.00		
MAGIC010 MAGIC WASH	24-00171	02/14/24	monthly vehicle cleaning	Open	201.25	0.00		
MAH040 MANAHAWKIN MAGIC WASH	24-00127	02/05/24	2024 WASHES	Open	29.75	0.00		B
MATHI005 MATHIS CONSTRUCTION	24-00223	02/27/24	EMERGENCY W/S REPAIRS	Open	1,743.02	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SELEC010	SELECTIVE INSURANCE	24-00167	02/14/24	FLOOD INSURANCE - 124 E 26TH	Open	1,628.00	0.00		
SHERRO05	SHERRY LEE RAHRER	24-00218	02/27/24	JANITORIAL SERVICES	Open	2,415.00	0.00		
STATE02	State of New Jersey	24-00227	02/27/24	2024 BFCE REGISTRA RENEWAL FEE	Open	448.00	0.00		
SUBUR010	SUBURBAN DISPOSAL INC	24-00182	02/14/24	SOLID WASTE & RECYCLING - JAN	Open	48,019.51	0.00		
TEAMS005	TEAMSTERS LOCAL UNION NO 35	24-00106	01/26/24	UNIONS DUES - JAN & FEB 2024	clsd	372.00	0.00		
TENNA010	TENNANT WAGGE LAW	24-00126	02/05/24	PROFESSIONAL SERVICES RENDERED	Open	6,989.30	0.00		
		24-00165	02/14/24	PROFESSIONAL SERVICES RENDERED	Open	8,948.60	0.00		
						15,937.90			
THOMP010	Thomson Reuters - West	24-00154	02/14/24	10 month contract	Open	1,730.40	0.00		
TAS080	TREASURER STATE OF NEW JERSEY	24-00164	02/14/24	Q4 2023 DCA FEES	Open	3,397.00	0.00		
TUCKE010	TUCKERTON LUMBER COMPANY	24-00213	02/27/24	screws for lifeguard stands	Open	859.99	0.00		
UINE005	U-11NE	24-00149	02/14/24	CARPET MAT RUNNER - 3 X 30	Open	1,658.78	0.00		
USBAN055	US BANK CORPORATE TRUST SERV	24-00110	01/30/24	NJEIT 2020 A1 (Cw) S340 311-03	Open	46,786.88	0.00		
		24-00112	01/30/24	NJEIT 2020 A-1 w1528001-002	Open	33,670.42	0.00		
		24-00113	01/30/24	NJEIT 2022 A-2 w1528001-003	Open	163,581.92	0.00		
						244,039.22			
VERIZ010	VERIZON	24-00202	02/22/24	TELEPHONE SERVICES	Open	326.69	0.00		
VERIZ020	VERIZON WIRELESS	24-00201	02/22/24	CELL PHONE & MDT 12/16-1/15	Open	1,985.54	0.00		
WBMAS010	W.B. MASON CO., INC	24-00133	02/09/24	OFFICE SUPPLIES	Open	254.80	0.00		
		24-00178	02/14/24	OFFICE SUPPLIES	Open	26.99	0.00		
						281.79			
WEIN005	WEINER LAW GROUP LLP	24-00128	02/06/24	PROFESSIONAL SERVICES RENDERED	Open	28,219.91	0.00		

Totals by Year-Fund and Description	Fund	Budget Total	Revenue Total	G/L Total	Project Total	Total
CURRENT FUND	3-01	17,400.71	0.00	0.00	0.00	17,400.71
CURRENT FUND	4-01	136,671.77	0.00	0.00	0.00	136,671.77
WATER/SEWER FUND	4-06	266,556.30	0.00	0.00	0.00	266,556.30
	4-11	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>38,176.33</u>	<u>38,176.33</u>
Year Total:		403,228.07	0.00	0.00	38,176.33	441,404.40
CAPITAL FUND	C-04	256,478.50	0.00	0.00	0.00	256,478.50
UTILITY CAPITAL FUND	C-07	<u>84,387.81</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>84,387.81</u>
Year Total:		340,866.31	0.00	0.00	0.00	340,866.31
	P-22	988.48	0.00	0.00	0.00	988.48
CONSTRUCTION TRUST	T-13	7,493.00	0.00	0.00	0.00	7,493.00
Total of All Funds:		<u>769,976.57</u>	<u>0.00</u>	<u>0.00</u>	<u>38,176.33</u>	<u>808,152.90</u>

Bank Id: UT CAP UTILITY CAPITAL FUND
Reconcile Date: 03/29/24 Bank Statement Ending Balance: 1,985,179.62
Note: * Denotes transaction is from Prior Year G/L Account.

DEPOSITS IN TRANSIT:

Date	Ref Ledger	Ref Num	Descript	Amount	Adjusted Bank Balance
TOTAL DEPOSITS IN TRANSIT:				0.00	ADDED to Bank Balance: 1,985,179.62

OUTSTANDING CHECKS:

Check Id	Date	Vendor	Amount	ACH	Adjusted Bank Balance
2923	03/27/24	OWENL010 OWEN LITTLE AND ASSOCIATES	4,327.50		
2924	03/27/24	TOWNS010 TOWNSHIP OF STAFFORD	115,849.00		
TOTAL OUTSTANDING CHECKS:			120,176.50		SUBTRACTED from Bank Balance: 1,865,003.12

OTHER ADJUSTMENTS:

Date	Type	Reference Ldgr/Num/Seq	Amount	Adjusted Bank Balance
TOTAL OTHER ADJUSTMENTS:			0.00	ADDED to Bank Balance: 1,865,003.12

ADJUSTED BANK BALANCE: 1,865,003.12
BOOK BALANCE: 1,865,003.12
DIFFERENCE: 0.00