



**City of Lambertville**  
**WORK SESSION**  
**TUESDAY, MAY 4, 2021, 7:00 PM**  
**VIRTUAL MEETING USING THE ZOOM MEETING PLATFORM**  
**AGENDA**

**COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

Mayor Fahl called the meeting to order at 7:01 p.m. and she asked the City Clerk to read the compliance statement with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record:

This meeting is being held in compliance with the Open Public Meetings Act with the meeting notice provided on Monday, January 11, 2021 to the Hunterdon County Democrat, the Trenton Times, various individuals on the list serve, department heads and the City Engineer and City Attorney.

This meeting will be recorded using Zoom.

The meeting agenda offers the planned action items of the Governing Body to the extent known at the time of publication.

**ROLL CALL**

The City Clerk called the roll as follows:

Present: Councilwoman Lambert, Councilman Sanders, Councilman Stegman, Council President Taylor, Mayor Fahl.

Also present: William Opel – City Attorney, Cynthia Ege – City Clerk, Kristina Majeski – Deputy Clerk.

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE**

Mayor Fahl led the public in the Pledge of Allegiance and a moment of silence in honor of those serving in the United States Armed Forces in Country and Abroad and for those serving on the front lines of COVID-19.

**RESOLUTIONS**

Mayor Fahl asked for a motion to approve Resolution Numbers 73-2021 through 76-2021.

**RESOLUTION NUMBER 73-2021:** *A Resolution to Adopt the Cybersecurity Incident Response Plan;*

*A Resolution to Adopt the Cybersecurity Incident Response Plan*

WHEREAS, the Municipal Excess Liability has recommended the adoption of the Cybersecurity Incident Response Plan; and,

WHEREAS, representatives of the City, including the City Clerk, the Officer-in-Charge for the Police Department, the Business Administrator, and Look First Technology reviewed the recommendation of the MEL; and

WHEREAS, adopting this plan will assist the City with providing tools and methods that will identify and eradicate malicious code, accounts or inappropriate access; and

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NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Lambertville that the Cyber Incident Response Plan, as recommended by the Municipal Excess Liability Fund is hereby adopted.

ADOPTED: May 4, 2021

RESOLUTION NUMBER 74-2021: A Resolution to adopt the Technology Practices Policy;

*A Resolution to Adopt the Technology Policy*

WHEREAS, the Municipal Excess Liability has recommended the adoption of the Technology Policy; and,

WHEREAS, representatives of the City, including the City Clerk, the Officer-in-Charge for the Police Department, the Business Administrator, and Look First Technology reviewed the recommendation of the MEL; and

WHEREAS, adopting this policy will assist the City with providing tools and methods that will assist the City with the implementation of security measures that will guard against unauthorized access to alteration, disclosure, or destruction of city records.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Lambertville that the Technology Policy, as recommended by the Municipal Excess Liability Fund is hereby adopted.

ADOPTED: May 4, 2021

RESOLUTION NUMBER 75-2021: A Resolution Authorizing the Reimbursement of the Cost of a Fence Panel to Marcia Kass in an Amount Not to Exceed \$233.03.

*A Resolution Authorizing the Reimbursement of the Cost of a Fence Panel to Marcia Kass in An Amount Not to Exceed \$233.03*

WHEREAS, the Public Works Department piled snow against the fence panel during the winter of 2021; and,

WHEREAS, the property owner requested a refund for the replacement of the panel; and

WHEREAS, the panel was purchased from Niece Lumber and cost \$233.02.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Lambertville that reimbursement to Marcia Kass in the amount of \$233.02 for the replacement panel of her fence is hereby authorized.

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RESOLUTION NUMBER 76-2021: *A Resolution to Authorize the Change Order for the Catch Basin Project to Kalogridis Contracting in an Amount Not to exceed \$3,500.00.*

*A Resolution to Authorize the Change Order for the Catch Basin Project to Kalogridis Contracting in an Amount not to Exceed \$3,500.00*

WHEREAS, the City Engineer is recommending the approval of a change order for the Catch Basin project awarded to Kalogridis Contracting in an amount not to exceed \$3,500.00; and,

WHEREAS, the change order is for inlets 10 and 11 and after review of the inlet will address an exposed opening that is several feet lower than the swale elevation, causing the basin to fill with silt/debris; and

WHEREAS, pouring concrete at the bottom of inlet to approx. 6" higher than existing bottom and then extend the Riprap swale repairs will allow some positive drainage; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Lambertville the change order for the Catch Basin Project for inlets 10 and 11 is hereby authorized in an amount not to exceed \$3,500.00.

ADOPTED: May 4, 2021

Councilwoman Lambert made the motion to adopt Resolution Numbers 73-2021 through 76-2021. Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ORDINANCE FIRST READING AND INTRODUCTION**

ORDINANCE NUMBER 12-2021: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter IXX (19), to Update the Flood Damage Prevention.*

Mayor Fahl read the Ordinance into the record by title and she informed the members of the Governing Body that this ordinance was reviewed by the City's CRS Committee, the City Planner, the Environmental Commission, and the City Engineer.

The CRS Committee is supportive of this Ordinance and we are hopeful of obtaining a lower rating from ISO when they do our compliance review in June.

**Please note: Changes highlighted in yellow.**

**ORDINANCE NUMBER 12-2021**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 19, Flood Damage Prevention*

§ 19-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

§ 19-1.1 Statutory Authorization.

[1990 Code § 19-1.1; Ord. No. 2009-12 § 1.1]

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health,

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safety, and general welfare of its citizenry. Therefore, the Mayor and City Council of the City of Lambertville, of Hunterdon County, New Jersey does ordain as follows.

#### § 19-1.2 Findings of Fact.

##### [1990 Code § 19-1.2; Ord. No. 2009-12 § 1.2; Ord. No. 24-2015]

- a. The flood hazard areas of City of Lambertville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- c. The City of Lambertville participates as a Community in the FEMA National Flood Insurance Program and the Community Rating System.

#### § 19-1.3 Statement of Purpose.

##### [1990 Code § 19-1.3; Ord. No. 2009-12 § 1.3; Ord. No. 24-2015]

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To reduce flood insurance premiums.
- h. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- i. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### § 19-1.4 Methods of Reducing Flood Losses.

##### [1990 Code § 19-1.4; Ord. No. 2009-12 § 1.4]

In order to accomplish its purposes, this chapter includes methods and provisions for:

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- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  - b. Requiring new, altered or damaged buildings and structures with higher than Federal standards,
- Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
  - d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
  - e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

**§ 19-2 DEFINITIONS.**

**[1990 Code § 19-2; Ord. No. 2009-12 § 2.0; Ord. No. 24-2015]**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**APPEAL**

Shall mean a request for a review of the Construction Official's interpretation of any provision of this Chapter or a request for a variance.

**AREA OF SHALLOW FLOODING**

Shall mean a designated AO, AH, or VO Zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a 1% annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD**

Shall mean the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.

**BASE FLOOD**

Shall mean the flood having a 1% chance of being equaled or exceeded in any given year.

**BASEMENT**

Shall mean any area of the building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL**

Shall mean a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**CRITICAL FACILITY**

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Is one that provides essential community services. Typically, these are, but not limited to, fire and police stations, ambulance squad, emergency operations center, city hall, electric substations, public works yard, school and nursing homes and shelters.

**Note: Shortened and moved to page 13.**

#### **DEVELOPMENT**

Shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

#### **ELEVATED BUILDING**

Shall mean a non-basement building (i) built in the case of a building in an area of special flood hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

#### **FLOOD INSURANCE RATE MAP (FIRM)**

Shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

#### **FLOOD INSURANCE STUDY (FIS)**

Shall mean the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

#### **FLOOD OR FLOODING**

Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

#### **FLOOD PLAIN MANAGEMENT REGULATIONS**

Shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

#### **FLOODWAY**

Shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

#### **HIGHEST ADJACENT GRADE**

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Shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

#### **HISTORIC STRUCTURE**

Shall mean any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved State program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in states without approved programs.

#### **LOWEST FLOOR**

Shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

#### **MANUFACTURED HOME**

Shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

#### **MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION**

Shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

#### **NEW CONSTRUCTION**

Shall mean structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

#### **NEW MANUFACTURED HOME PARK OR SUBDIVISION**

Shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the Municipality.

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#### RECREATIONAL VEHICLE

Shall mean a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

#### START OF CONSTRUCTION

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

#### STRUCTURE

Shall mean a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

#### SUBSTANTIAL DAMAGE

Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

#### SUBSTANTIAL IMPROVEMENT

Shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

#### VARIANCE

Shall mean a grant of relief from the requirements of this chapter that permits construction in manner that would otherwise be prohibited by this chapter.

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§ 19-3 **GENERAL PROVISIONS.**

§ 19-3.1 **Lands to Which This Chapter Applies.**

**[1990 Code § 19-3.1; Ord. No. 2009-12 § 3.1]**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Lambertville, Hunterdon County, New Jersey.

§ 19-3.2 **Basis for Establishing the Areas of Special Flood Hazard.**

**[1990 Code § 19-3.2; Ord. No. 2009-12 § 3.2; Ord. No. 04-2012]**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study, Hunterdon County, New Jersey" dated May 2, 2012, with accompanying Flood Insurance Rate Map for Hunterdon County, New Jersey (all Jurisdictions) as shown on Index and panel(s) 34019C0339G, 34019C0402G, 34019C0406F, whose effective date is May 2, 2012.

The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and Maps are on file at 18 York Street, Lambertville, New Jersey 08530.

§ 19-3.3 **Penalties for Noncompliance.**

**[1990 Code § 19-3.3; Ord. No. 2009-12 § 3.3]**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Lambertville from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 19-3.4 **Abrogation and Greater Restrictions.**

**[1990 Code § 19-3.4; Ord. No. 2009-12 § 3.4]**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 19-3.5 **Interpretation.**

**[1990 Code § 19-3.5; Ord. No. 2009-12 § 3.5]**

In the interpretation and application of this chapter, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and,
- c. Deemed neither to limit nor repeal any other powers granted under State statutes.

§ 19-3.6 **Warning and Disclaimer of Liability.**

**[1990 Code § 19-3.6; Ord. No. 2009-12 § 3.6]**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

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This chapter shall not create liability on the part of the City of Lambertville, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

#### § 19-4 ADMINISTRATION.

##### § 19-4.1 Establishment of Development Permit.

##### [1990 Code § 19-4.1; Ord. No. 2009-12 § 4.1]

- a. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection **19-3.2**. Application for a development permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.
- b. Specifically, the following information is required:
  1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
  2. Elevation in relation to mean sea level to which any structure has been floodproofed.
  3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection **19-5.2b** and,
  4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

##### § 19-4.2 Designation of the Local Administrator.

##### [1990 Code § 19-4.2; Ord. No. 2009-12 § 4.2]

The Construction Official is hereby appointed to administer and implement this chapter granting or denying development permit applications in accordance with its provisions.

##### § 19-4.3 Duties and Responsibilities of the Administrator.

##### [1990 Code § 19-4.3; Ord. No. 2009-12 § 4.3]

Duties of the Construction Official shall include, but not be limited to:

- a. Permit Review.
  1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
  2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
  3. Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of subsection **19-5.3a** are met.
- b. Use of Other Base Flood and Floodway Data. When base flood elevation and floodway data has not been provided in accordance with subsection **19-3.2**, Basis for Establishing the Areas of Special Flood Hazard, the Construction Official shall obtain, review, and reasonably utilize

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any base flood elevation and floodway data available from a Federal, State or other source, in order to administer subsections **19-5.2a** Specific Standards, Residential Construction, and **19-5.2b** Specific Standards, Nonresidential Construction.

- c. Information to be Obtained and Maintained.
  - 1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - 2. For all new or substantially improved floodproofed structures:
    - (a) Verify and record the actual elevation (in relation to mean sea level); and
    - (b) Maintain the floodproofing certifications required in subsection 19-4.1c
  - 3. Maintain for public inspection all records pertaining to the provisions of this chapter.
- d. Alteration of Watercourses.
  - 1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  - 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.
- e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection **19-4.4**.

**§ 19-4.4 Variance Procedure.**

**[1990 Code § 19-4.4; Ord. No. 2009-12 § 4.4]**

- a. Appeal Board.
  - 1. The Zoning Board of Adjustment as established by City of Lambertville shall hear and decide appeals and requests for variances from the requirements of this chapter.
  - 2. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this chapter.
  - 3. Those aggrieved by the decision of the Zoning Board of Adjustment, or any taxpayer, may appeal such decision to the Mayor and City Council of Lambertville.

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4. In passing upon such applications, the Zoning Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
  - (a) The danger that materials may be swept onto other lands to the injury of others;
  - (b) The danger to life and property due to flooding or erosion damage;
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) The importance of the services provided by the proposed facility to the community;
  - (e) The necessity to the facility of a waterfront location, where applicable;
  - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (g) The compatibility of the proposed use with existing and anticipated development;
  - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
  - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the factors of subsection **19-4.4a,4** and the purposes of this chapter, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
6. The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.
  - b. Conditions for Variances.
    1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items subsection **19-4.4a,4** (a-k) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
    2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's

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continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - (a) A showing of good and sufficient cause;
  - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection **19-4.4a,4**, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**§ 19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

**§ 19-5.1 General Standards.**

**[1990 Code § 19-5.1; Ord. No. 2009-12 § 5.1; Ord. No. 04-2012]**

In all areas of special flood hazards the following standards are required:

- a. Anchoring.
  1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  2. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. Construction Materials and Methods.
  1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Utilities.

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1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters in the system;
  2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
  3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
  4. For all new construction, substantial improvement and repetitive loss properties (where technically feasible), the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. Subdivision Proposals.
1. All subdivision proposals shall be consistent with the need to minimize flood damage;
  2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
  3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
  4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).
- e. Enclosure Openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

#### § 19-5.2 Specific Standards.

##### [1990 Code § 19-5.2; Ord. No. 2009-12 § 5.2; Ord. No. 04-2012]

In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsection 19-3.2, Basis for Establishing the Areas of Special Flood Hazard or in subsection 19-4.3b, Use of Other Base Flood Data, the following standards are required:

- a. Residential Construction.
  1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, **elevated with two (2) feet of freeboard** above Base flood elevation;

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2. Require within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet **plus two (2) feet of freeboard** (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- b. Nonresidential Construction. In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including the basement together with the attendant utilities and sanitary facilities:
  1. Either:
    - (a) Elevated to the level of the base flood elevation **plus two (2) feet of freeboard**; and
    - (b) Within any AO Zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
  2. Or:
    - (a) Be flood proofed so that below the base flood level **plus two (2) feet of freeboard**, the structure is watertight with walls substantially impermeable to the passage of water;
    - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
    - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection **19-4.3c,2(b)**
  - c. Manufactured Homes.
    1. Manufactured homes shall be anchored in accordance with subsection **19-5.1a,2**.
    2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation **plus two (2) feet of freeboard**.

**Note: Critical Facilities was moved from the definition to this page.**

- d. **Critical Facilities**

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1. Critical facilities shall be prohibited from the 0.2 percent annual chance flood (equaled or exceeded in any given year) as defined on the FEMA effective Flood Insurance Rate Map.
2. If a Critical Facility must be located in the Special Flood Hazard Area or the Shaded X Zone on the Flood Insurance Rate Map (0.2% annual chance flood; the "500-year floodplain,"
  - a. It shall be elevated to the level of the 0.2 percent chance flood or
  - b. It shall be flood proofed up to the elevation of the 0.2 percent chance flood.

§ 19-5.3 Floodways.

**[1990 Code § 9-5.3; Ord. No. 2009-12 § 5.3]**

Located within areas of special flood hazard established in subsection **19-3.2** are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. If subsection **19-5.3a** is satisfied, all new construction and substantial improvements must comply with Section **19-5**, Provisions for Flood Hazard Reduction.
- c. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 0.2 of a foot at any point.

INTRODUCTION AND FIRST READING: May 4, 2021

PUBLIC HEARING AND SECOND READING: May20, 2021

Mayor Fahl asked for a motion to introduce on first reading Ordinance Number 12-2021. Councilman Sanders made the motion to introduce Ordinance Number 12-2021. Council President Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Public hearing is scheduled for May 20, 2021

**ORDINANCE NUMBER 13-2021:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter X, Building and Housing Code, Amending Fees and adding Clearance Certificates.*

Mayor Fahl read the Ordinance into the record by title. She informed the members of the public that this ordinance will update fees to the Building and Housing Code.

Public hearing is scheduled for May 20, 2021

**ORDINANCE NUMBER 13-2021**

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*An Ordinance to Amend the Lambertville City Code, 2014, Chapter X, Building and Housing Code, Amending Fees and adding Clearance Certificates*

**§ 10-1 UNIFORM CONSTRUCTION CODE ENFORCING AGENCY.**

**§ 10-1.1 Enforcing Agency Established.**

**[1990 Code § 10-1.1]**

- a. There is hereby established in the City a State Uniform Construction Code Enforcing Agency, to be known as the "Lambertville Construction Code Agency," consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official, and such other subcode officials for such additional codes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the enforcing agency.
- b. The organization of the Lambertville Construction Code Agency, the responsibilities and duties of the various officials and subcode officials within the agency and the responsibility of such agency and the officials thereof and various other municipal subdivisions, boards or agencies of the City, shall be as may be defined and described by the Mayor and Council.
- c. Each official position created in paragraph a hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, c., 217, as amended, and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one such official position may be held by the same person, provided that such person is qualified pursuant to P.L. 1975, c. 217 and N.J.A.C. 5:23, to hold each such position.
- d. The public shall have the right to do business with the enforcing agency at one office location, except for emergencies and unforeseen or unavoidable circumstances.

**§ 10-1.2 Appeals.**

**[1990 Code § 10-1.2]**

Persons aggrieved by a decision of the enforcing agency may appeal such decision to the Construction Board of Appeals established by the Board of Chosen Freeholders of Hunterdon County.

**§ 10-1.3 Fees for a Construction Permit.**

**[1990 Code § 10-1.3; Ord. No. 2004-06; Ord. No. 2004-15; Ord. No. 2005-17; Ord. No. 2007-14; Ord. No. 2008-02; Ord. No. 2009-02; Ord. No. 2009-17; Ord. No. 14-2011; Ord. No. 09-2013; Ord. No. 07-2016; Ord. No. 27-2017]**

- a. Fees. The fee for a construction permit in Lambertville or any interlocal arrangement shall be the sum of the subcode fees listed in Subsection **a1(a)** through **a6(d)** hereof and shall be paid prior to the issuance of a permit. Twenty percent of the construction permit fee shall be considered as the plan review fee, which will be paid at the enforcing agency's office at the time the permit application is submitted and is nonrefundable. The plan review fee for prototype plans shall be 5% of the amount to be charged for a construction permit. **[Amended 6-20-2019 by Ord. No. 13-2019]**
1. Building Subcode Fees.

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- (a) Fees for new construction shall be based upon the volume of the structure. This fee shall be in the amount of ~~\$0.075~~ **.080** per cubic foot, except that agricultural structures on farms shall be in the amount of \$0.025.
- (b) Fees for renovations, alterations, repairs, commercial roofing, commercial siding, and for foundations and on-site work for premanufactured construction or relocated structures, the fee shall be based upon the estimated cost of work. The City reserves the right to require a copy of actual contracts or current market price evaluation based on common estimating practices; or an architect or engineer's cost estimate; or actual third-party estimates. The cost shall include all labor and material (including bartered, donated, free, etc., labor and/or materials). This fee shall be as follows:
  - (1) ~~\$37~~ **39** per \$1,000 of estimated cost of work up to \$50,000 of estimated cost of construction;
  - (2) ~~\$33~~ **35** per \$1,000 for estimated cost of work from \$50,001 to \$100,000 estimated cost of construction; and
  - (3) ~~\$29~~ **31** per \$1,000 for additional costs over \$100,000 estimated cost of construction.
- (c) The fee for temporary structures shall be based on the volume of the structure. The building subcode fee shall be ~~\$0.025~~ **0.035** per cubic foot. Electric, plumbing and fire subcode fees shall be based on the normal fee schedule. All structures for which volume cannot be computed shall be \$95.
- (d) Fees for additions shall be computed on the same basis as for new construction (volume) for the added portion.
- (e) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with Subsection **a1(a)** and **(b)** above.
- (f) The fee for construction or installation of a single-family residential in-ground swimming pool shall be ~~\$250~~ **265**. The fee for construction or installation of all other use group in-ground swimming pools shall be ~~\$350~~ **375**. The fee for aboveground pools shall be ~~\$75~~ **80**.
- (g) The fee for construction or installation of retaining walls shall be as follows:
  - (1) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a single Class 3 residential structure shall be ~~\$450~~ **160**.
  - (2) The fee for a retaining wall with a surface area of more than 550 square feet that is associated with a single Class 3 residential structure shall be ~~\$290~~ **310**.
  - (3) The fee for all other retaining walls shall be based on the cost of work as follows:
    - (i) ~~\$20~~ **22** per \$1,000 of estimated cost of work up to \$50,000;
    - (ii) ~~\$46~~ **18** per \$1,000 of estimated cost of work from \$50,001 to \$100,000;
    - (iii) ~~\$42~~ **14** per \$1,000 of estimated cost of work over \$100,000.

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- (h) In Use Groups R-3, R-4 or R-5 single-family detached dwellings the fee for the construction and/or renovation of a deck up to 150 square feet shall be ~~\$450~~ **158**; 151 square feet to 250 square feet shall be ~~\$240~~ **252**; and over 250 square feet shall be ~~\$350~~ **368**. All other use groups shall be based on the cost of the work.
  - (i) The installation of sheds over 200 square feet shall be a minimum of ~~\$475~~ **185**.
  - (j) The fee for a residential roof or siding replacement shall be ~~\$440~~ **116** and for commercial roof or siding replacement shall be based on the cost of work.
  - (k) The fee for a demolition and/or removal permit of a building or structure shall be ~~\$450~~ **160** for Class 3 residential and ~~\$275~~ **289** for all other use groups, provided that the fee shall be ~~\$75~~ **80** for structures under 400 square feet in area.
  - (l) **Reserved [Item moved to Fire Subcode Fees 4. (t)]**
  - (m) The fee to construct or erect a sign shall be ~~\$3~~ **3.50** per square foot surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be ~~\$75~~ **80**.
  - (n) The minimum fee for the building technical section shall be ~~\$75~~ **80**.
2. Plumbing Subcode Fees.
- (a) The fee shall be in the amount of ~~\$26~~ **28** per fixture or stack such as sinks, water closets, urinals, bath tubs, showers, clothes washers, dishwashers, hose bibs, gas piping per outlet, condensate pump, etc., except as listed below in Subsection **a2(b)** and **(c)**
  - (b) The fee for domestic hot water heater replacement shall be \$95.
  - (c) The fee for special devices shall be ~~\$140~~ **115** for the following: grease traps, oil separators, water-cooled air-conditioning units, air-conditioning compressors, refrigeration units, hot water boilers, fuel oil piping, new gas service and underground gas lines, interceptors, water and sewer connections, active solar systems, sewer pumps.
  - (d) For equipment listed in N.J.A.C. 5:23-2.23(1) such as backflow preventers, high pressure boilers, refrigeration systems, etc., the fee shall be \$95 for the first device and \$25 for additional similar devices in the same building.
  - (e) The minimum fee for the plumbing technical section shall be ~~\$75~~ **80**.
3. Electrical Subcode Fees.
- (a) For from one to 25 devices, receptacles or fixtures, the fee shall be in the amount of ~~\$75~~ **80**; for each additional device, receptacle or fixture in addition to this, the fee shall be in the amount of ~~\$1.25~~ **2.00** per device, receptacle or fixture. For the purpose of computing this fee, devices, receptacles or fixtures shall include but are not limited to the following: lighting outlets or fixtures, switches, fluorescent fixtures, receptacles, light standards less than eight feet in height, communication points, alarm devices, and other panels or devices rated less than 20

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amps, smoke and heat detectors, or similar fixtures, and motors or devices of less than or equal to one horsepower or one kilowatt.

- (b) For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower; and for photovoltaic system arrays, greater than one kilowatt and less than or equal to 10 kilowatts, the fee shall be ~~\$35~~ **50**.
- (c) For each motor or electrical device greater than 10 horsepower and less than or equal to 25 horsepower; for photovoltaic system arrays, greater than 10 kilowatts and less than or equal to 25 kilowatts or kva; the fee shall be ~~\$65~~ **75**.
- (d) For each motor or electrical device greater than 26 horsepower and less than or equal to 50 horsepower; and for photovoltaic system arrays, greater than 26 kilowatts and less than or equal to 50 kilowatts or kva, the fee shall be ~~\$125~~ **130**.
- (e) For each motor or electrical device greater than 51 horsepower and less than or equal to 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 51 kilowatts and less than or equal to 100 kilowatts or kva, the fee shall be ~~\$200~~ **210**.
- (f) For each motor or electrical device greater than 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 100 kilowatts or kva, the fee shall be ~~\$800~~ **840**.
- (g) Equipment, devices rated by kilowatt or kva include but are not limited to the following: electric ranges/receptacles, ovens, surface units, electric hot water heaters, electric dryers/receptacles, dishwashers, central AC units, baseboard heaters, transformers, generators, steam shower units or any other devices consuming or generating electrical current. Equipment or devices rated by horsepower include but are not limited to the following: garbage disposals, motors, etc. Space heaters or air handlers may be rated by HP, kW or kva.
- (h) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated up to 100 amps the fee shall be ~~\$95~~ **100**.
- (i) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 101 amps up to 200 amps the fee shall be ~~\$175~~ **185**.
- (j) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 201 amps up to 400 amps the fee shall be ~~\$360~~ **380**.
- (k) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated over 400 amps the fee shall be ~~\$800~~ **840**.
- (l) For all the following: signs; fire, security, burglar control stations; communication control units; smoke, heat, fire, burglar alarm systems in one- and two-family dwellings; utility load management devices; lighting standards over eight feet, the fee shall be ~~\$75~~ **80**.
- (m) For in-ground pools the fee shall be ~~\$225~~ **235**.

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- (n) For spas, hot tubs, or fountains the fee shall be ~~\$150~~ **160**.
- (o) For storable or portable pools the fee shall be ~~\$75~~ **80**.
- (p) For a swimming pool bonding certificate of compliance, the fee shall be \$95.
- (q) Transformers and generators less than or equal to 20kw shall be ~~\$400~~ **105**. Transformers and generators greater than 20kw and less than or equal to 50kw shall be ~~\$175~~ **185**. Generator panels shall follow Subsection **a3(h)** through **(k)** above.
- (r) The minimum fee for the electrical technical section shall be ~~\$75~~ **80**.
- 4. Fire Subcode Fee.
  - (a) The fee for sprinkler systems shall be ~~\$125~~ **135** for up to 12 heads.
  - (b) For 13 to and including 40 heads the fee shall be ~~\$200~~ **210**.
  - (c) For 41 to and including 100 heads the fee shall be ~~\$350~~ **370**.
  - (d) For all heads over 100 the fee shall be ~~\$2~~ **3** per head.
  - (e) The fee for each standpipe shall be ~~\$325~~ **340**.
  - (f) The fee for each independent preengineered suppression system shall be ~~\$225~~ **235**.
  - (g) The fee for each gas or oil-fired appliance shall be ~~\$75~~ **80**.
  - (h) The fee for each kitchen exhaust system shall be ~~\$225~~ **235**.
  - (i) The fee for spray booths exhaust system shall be ~~\$325~~ **340**.
  - (j) The fee for a wood/coal burning stove, fireplace inserts, pre-fab or masonry fireplace shall be ~~\$75~~ **80**.
  - (k) The fee for dry pipe, pre-action or sprinkler alarm valves and for smoke, heat detectors and manual fire alarms shall be ~~\$125~~ **135** for up to 12 alarms, except that, for hard-wired and interconnected alarms for one- and two-family residential, the fee shall be ~~\$75~~ **95** for up to 12 alarms.
  - (l) Each device over 12 shall be ~~\$8~~ **9** each.
  - (m) The fee for R3, R4 and R5 fire alarm systems shall be \$95.
  - (n) The fee for fire pumps shall be ~~\$425~~ **445** each.
  - (o) The fee for incinerators shall be ~~\$425~~ **445** each.
  - (p) The fee for crematoriums shall be ~~\$425~~ **445** each.

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- (q) The fee for unit heaters shall be ~~\$75~~ **80** each.
  - (r) The fee for chimney relining shall be ~~\$75~~ **80**.
  - (s) The fee for the installation of any underground fuel storage tank up to 550 gallons shall be ~~\$150~~ **160**. The fee for the aboveground fuel storage tanks up to 550 gallons shall be ~~\$75~~ **80**. For tanks 551 to 1,000 gallons, the fee shall be ~~\$200~~ **210**. For tanks over 1,001 gallons, the fee shall be ~~\$400~~ **420**.
  - (t) The fee for removal or abandonment of underground storage tanks shall be ~~\$125~~ **132** each for tanks up to 1,000 gallons and ~~\$195~~ **205** each for tanks over 1,001 gallons.
  - ~~(t)~~**(u)** The fee for a fire sprinkler water storage tank shall be ~~\$275~~ **290**.
  - ~~(u)~~**(v)** The minimum fee for the fire technical section for one- or two-family residential shall be ~~\$65~~ **80** and for all other use groups shall be ~~\$125~~ **130**.
5. Certificates and Other Special Fees. The fees for certificates shall be as follows:
- (a) Certificate of occupancy, residential (single-family): ~~\$175~~ **185**, except the fee for a certificate of occupancy for pools, decks and small additions (under 400 square feet) is ~~\$45~~ **50**.
  - (b) Certificate of occupancy, other than single-family: ~~\$350~~ **370**.
  - (c) Certificate of occupancy for changes in use group: ~~\$350~~ **370**.
  - (d) Certificate of approval: no fee.
  - (e) Continued certificate of occupancy: ~~\$350~~ **370** per unit or tenant space.
  - (f) Temporary certificate of occupancy, renewal fee shall be ~~\$30~~ **as specified at NJAC 5:23-4.18(f)3**.
  - (g) Certificate of compliance: no fee.
  - (h) The fee for asbestos or lead abatement projects shall be as follows:
    - (1) The administrative fee for each construction permit issued for an asbestos hazard abatement project shall be as specified at N.J.A.C. 5:23-8.9.
    - (2) The administrative fee for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project shall be as specified at N.J.A.C. 5:23-8.9.
    - (3) The fee for a permit for lead hazard abatement projects shall be ~~\$190~~ **200**.
    - (4) The fee for a lead abatement clearance certificate shall be ~~\$35~~ **40**.

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- (i) The fee for a variation request application shall be ~~\$125~~ **130** for Class 3 residential; ~~\$300~~ **315** for Class 3 other than residential and Class 2; and ~~\$850~~ **900** for Class 1 buildings. The fee for resubmission of an application for a variation shall be 1/2 of the original fee if required by the Construction Official.
- (j) The fee for an application for the construction board of appeals shall be as specified by the Hunterdon County Construction Board of Appeals application.
- (k) A fee of ~~\$140~~ **120** per hour may be charged for review of any amendment or change to a plan that has already been released, or any other additional work required by ordinance or interlocal agreement.
- (l) The fee for a zoning permit is \$50.
- (m) The fee for a ~~f~~ **Flood Hazard Area** ~~d~~ **Development** permit shall be ~~\$475~~ **185** plus any applicable City engineering review costs, if required by the City Engineer.
- (n) The fee to reinstate a lapsed permit shall be 50% of the initial permit fee provided such application is made within one year from the date the initial permit lapsed. Thereafter, the fee to reinstate a lapsed permit shall be based on the current fee schedule.
- (o) The fee for an annual permit shall be charged annually, and shall be a flat fee based on the number of maintenance workers (excluding managers, engineers and clerks) who are primarily engaged in work governed by a subcode (building/fire, electrical and plumbing). Fees shall be as follows:
  - (1) One through 25 workers (including foreman or forewoman): ~~\$4,500~~ **1,600** per worker.
  - (2) Each additional worker over 25: ~~\$450~~ **475** per worker.
- (p) Prior to the issuance of the annual permit a training registration fee of ~~\$196~~ **as specified in NJAC 5:23-4.20(c)5.ii(2)** per subcode shall be submitted by the applicant ~~and shall be forwarded by the Construction Official to the Department of Community Affairs, Construction Code Element, Training Section~~ **Bureau of Code Services, Education Unit**, along with a copy of the construction permit (Form F-170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.
- 6. Exempt Fees.
  - (a) No fees shall be charged for construction of any permitted building or structure owned by the City of Lambertville or any of its respective agencies.
  - (b) Newly constructed and rehabilitated residential units that are to be legally restricted to occupancy by households of low income may qualify for reduced fees or be exempt from construction permit fees as authorized by City Council on an individual basis, except for the state training fee.

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- (c) Pursuant to N.J.S.A. 52:27D-126e and 40:55D-8, no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure for any of the facilities contained therein. A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit. For purposes of this subsection, the term "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to Federal Social Security Act (42 U.S.C. § 416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. § 231, et seq.), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans Act. For purposes of this subsection, the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.
- (d) Outside Agency Fees. Notwithstanding any other fee hereinafter set forth, when the City has retained a private on-site inspection or plan review agency to carry out subcode official responsibility, no fee charged shall exceed the amount paid by the City to that private agency plus 30%.
- 7. The mechanical inspector fee for construction Use Groups R-3 and R-5 shall be:
  - (a) First device: ~~\$65~~ **80**.
  - (b) Each additional device: ~~\$30~~ **40**.
- b. The Construction Official shall, with the advice of the subcode officials, prepare and submit to the City, biannually, a report recommending a fee schedule, based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act.
- c. In order to provide for the training, certification and technical support programs required by the Uniform Construction Code Act and the regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee as specified in N.J.A.C. 5:23-4.19. Said surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending September 30, December 31, March 31, and June 30, and not later than one month next succeeding the end of the quarter for which it is due. In the fiscal year in which the regulations first become effective, the fee shall be collected and remitted for the third and fourth quarters only. The enforcing agency shall report annually at the end of each fiscal year to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, said report shall be for the third and fourth quarters only.
- 8. **Construction Records Clearance (CRC)**

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(a) When required.

A construction records clearance (CRC) shall be required prior to the sale or change of tenant of any residential or commercial structure. In that event, there shall be no change in occupancy of a building or structure, in whole or part, prior to the issuance of a CRC.

(b) Responsibility.

No owner shall permit the sale of a residential or commercial premise covered under this section unless the requisite CRC has been issued. No purchaser or new tenant shall occupy any premises covered under this section until the requisite CRC has been issued. Owners and occupants shall be jointly and separately responsible for failure to obtain the requisite CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least 2 months prior to the change of ownership and/or occupancy on the form provided by the Township.

(c) Preoccupancy records search.

Prior to the issuance of any such certificate for any transaction, the enforcing agency shall conduct a records search to ensure that there are no open construction permits on subject premises. Should there be open permits on subject premises, all necessary inspections, payment of fees due, and prior approvals shall be obtained and appropriate Uniform Construction Code certificates shall be issued prior to issuance of the CRC. The Construction Official may, at his discretion, exempt any active and ongoing permits or projects from the CRC.

(d) Fees.

The applicant shall submit with the application the fee for the CRC to cover the administrative cost in accordance with the following schedule based on the number of days prior to closing or occupancy change:

(1) One to five business days: \$180.

(2) Six to 15 business days: \$90.

(3) 16 to 40 business days: \$45.

(e) Validity.

The CRC will only be valid for a period of 90 days and shall only apply to any permits issued prior to the CRC application and shall not apply to any permit applications submitted after the CRC application.

(f) Violations and penalties.

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(1) Any person, firm or corporation violating any provisions of this section shall, upon conviction, be punishable by a fine not exceeding \$2,000, imprisonment for a period not exceeding 90 days and/or a period of community service not exceeding 90 days.

(2) The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations.

(3) Certificates are valid for all permits issued up to the date of the CRC certificate issuance and must be renewed for each sale or occupancy change.

**§ 10-1.4 Fire Limits.**

**[1990 Code § 10-1.4]**

The establishment of fire limits pursuant to N.J.A.C. 5:23 is reserved and shall be further established by amendment to this section on such date as may hereafter be established.

**§ 10-1.5 Violations and Penalties.**

**[1990 Code § 10-1.5]**

- a. Any person or corporation, including an officer, director or employee of a corporation, who:
1. Violates any of the provisions of this section or rules promulgated hereunder;
  2. Constructs a structure or building in violation of a condition of a building permit;
  3. Fails to comply with any order issued by an enforcing agency or the Department;
  4. Makes a false or misleading written statement or omits any required information or statement in any application or request for approval to an enforcing agency or the Department, shall be subject to a penalty of not more than ~~\$500~~ **2,000 per offense**.
- b. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this chapter or who unreasonably interferes with such an inspection shall be subject to a fine of not more than \$250.
- c. With respect to paragraph a.3 above, a person shall be guilty of a separate offense for each day that he fails to comply with a stop-construction order validly issued by an enforcing agency or the Department. With respect to paragraphs a.1. and a.4 above, a person shall be guilty of a separate offense for each violation of any provision of this chapter or rule promulgated hereunder and for each false or misleading written statement or omission of required information or statement made in any application or request for approval to an enforcing agency or the Department. With respect to paragraph a.2 above, a person shall be guilty of a separate offense for each violation of the conditions of a construction permit.
- d. The penalties pursuant to this subsection may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.). Jurisdiction to enforce such penalties is hereby conferred upon judges of the Municipal Court in addition to the courts specified by N.J.S.A. 2A:58-11. Suit may be brought by a municipality or the State of New Jersey. Payment of a money judgment pursuant hereto shall be remitted in the case of a suit

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brought by a municipality to the Chief Financial Officer and in the case of a suit brought by the State of New Jersey, to the State Treasurer.

**§ 10-1.6 Waiver of Construction Permit Fees.**

**[New]**

The Mayor and Council shall have the authority to waive construction permit fees for residents and businesses when impacted by a natural disaster such as a flood or pandemic.

**§ 10-2 UNFIT DWELLINGS.**

**§ 10-2.1 Adoption of New Jersey State Housing Code as Standard.**

**[1990 Code § 10-2.1; New]**

Pursuant to the provisions of Chapter 21, P.L. 1946 (N.J.S.A. 40:49-5.1) the "New Jersey State Housing Code" under N.J.A.C. 5:28.1 et seq. is hereby accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building for human habitation or occupancy or use.

**§ 10-2.2 Purpose.**

**[1990 Code § 10-2.2]**

Whenever there is found to exist within the limits of the City of Lambertville, any building or buildings which are unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities or due to other conditions rendering such building or buildings, or part thereof, unsafe or unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the City, the City of Lambertville, in the exercise of its police power, as conferred upon it under the provision of N.J.S.A. 40:48-2.3 et seq. shall take such action as necessary to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings or part thereof in accordance with the procedures set forth herein.

**§ 10-2.3 Definitions.**

**[1990 Code § 10-2.3]**

As used in this section:

**BUILDING**

Shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

**GOVERNING BODY**

Shall mean the Mayor and City Council of the City of Lambertville.

**OWNER**

Shall mean the holder or holders of the title in fee simple.

**PARTIES IN INTEREST**

Shall mean all individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

**PUBLIC AUTHORITY**

Shall mean any housing authority or any officer who is in charge of any department or branch of the government of the City, County or State relating to health, fire, building regulations, or to other activities concerning buildings in the City.

**PUBLIC OFFICER**

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Shall mean the officer, officers, board or body authorized by ordinance adopted hereunder to exercise the powers prescribed by such ordinances and by this act.

**§ 10-2.4 Enforcement Officer.**

**[1990 Code § 10-2.4]**

The Construction Official shall be the public officer designated to exercise the powers prescribed by this section.

**§ 10-2.5 Complaint Process.**

**[1990 Code § 10-2.5]**

- a. Whenever a petition is filed with the Construction Official by a public authority or by at least five residents of the City charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the Construction Official, on his own motion, that any building is unfit for human habitation or occupancy or use, the Construction Official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Construction Official (or his designated agent) at a place therein fixed not less than seven days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the Construction Official.
- b. If, after such notice and hearing, the Construction Official determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:
  1. Requiring the repair, alteration or improvement of the building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or have the building vacated and closed within the time set forth in the order; and
  2. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the building within the time specified in the order, then the owner shall be required to remove or demolish the building within a reasonable time as specified in the order of removal.
- c. If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the Construction Official may cause such building to be repaired, altered or improved, or to be vacated and closed. The Construction Official may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."
- d. If the owner fails to comply with an order to remove or demolish the building, the Construction Official may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor.
- e. The amount of:

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1. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this section determined in favor of the municipality, and
2. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or
3. The amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the Construction Official, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the Construction Official, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

#### § 10-2.6 Actual and Immediate Danger.

##### [1990 Code § 10-2.6]

If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the Construction Official may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

#### § 10-2.7 Alternative Remedies.

##### [1990 Code § 10-2.7]

Nothing contained herein shall be construed to impair or limit in any way the City's power to define and declare nuisances and to cause their removal or abatement, by summary proceeding or otherwise, nor is anything in this section intended to limit the authority of the Construction Official under the State Uniform Construction Code Act, P.L. c.217 (C.52:27D-119 et. seq.) or any other rules or regulations adopted thereunder.

#### § 10-2.8 Standards.

##### [1990 Code § 10-2.8]

The Construction Official may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the City; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness.

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**§ 10-2.9 Service of Complaints and Orders.**

**[1990 Code § 10-2.9]**

Complaints or orders issued by the Construction Official pursuant to this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained in the exercise of reasonable diligence, the Construction Official shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the municipality, or, in the absence of such newspaper, in one printed and published in the County and circulating in the municipality in which the buildings are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the County Recording Officer of the County in which the building is located.

**§ 10-2.10 Remedies.**

**[1990 Code § 10-2.10]**

Any person aggrieved by an order issued by the Construction Official under this section may, within 30 days after the posting of service of such order, bring an action for injunctive relief to restrain the Construction Official from carrying out the provisions of the order and for any other appropriate relief. The court may proceed on the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an order of the Construction Official shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the Construction Official.

**§ 10-2.11 Additional Powers of the Construction Official.**

**[1990 Code § 10-2.11]**

The Construction Official shall have the following additional powers to enable him to carry out and effectuate the purposes and provisions of this section:

- a. To investigate the building conditions in the City in order to determine which buildings therein are unfit for human habitation or occupancy or use;
- b. To administer oaths, affirmations, examine witnesses and receive evidence;
- c. To enter upon premises 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 persons in possession;
- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the section; and
- e. To delegate any of his functions and powers under the section to such officer and agents as he may designate.

**§ 10-2.12 Administration.**

**[1990 Code § 10-2.12]**

The Mayor and Council shall as soon as possible prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the buildings in the City for the purpose of determining the fitness of such buildings for human habitation or occupancy or use, and for the enforcement and administration of this section, and may make such appropriations from revenues as may be necessary for this purpose and may accept and apply grants and donations to assist in carrying out the provision of this section.

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§ 10-2.13 **Nonexclusive Remedy.**

**[1990 Code § 10-2.13]**

Nothing in this section shall preclude the City from enforcing any other section or regulations; nor from punishing violations thereof. The powers conferred by this section shall be in addition and supplemental to the power conferred by any other section.

§ 10-3 **OPEN HOUSING.**

§ 10-3.1 **Title.**

**[1990 Code § 10-3.1]**

The Mayor and Council ordains that this section shall be known as "The Lambertville Open Housing Regulations."

§ 10-3.2 **Definitions.**

**[1990 Code § 10-3.2]**

As used in this section:

**COMMERCIAL HOUSING**

Shall mean housing accommodations held or offered for sale or rent by a real estate broker, salesman or agency, or by any other person pursuant to authorization of the owner, by the owner himself, or by legal representative, but shall not include any personal residence offered for rent by the owner or lessee thereof or by a broker, salesman, agent or employee.

**HOUSING ACCOMMODATIONS**

Shall mean and include:

- a. Any building or structure or portion thereto which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and
- b. Any vacant land offered for sale or lease for commercial housing.

**PERSON**

Shall mean and include one or more individuals, partnerships, associations, organizations, corporations, legal representative, trustees in bankruptcy or receivers.

It also includes, but is not limited to, any owner, lessor, assigner, builder, manager, broker, agent, employer, lending institution and all political subdivisions, authorities, boards, and commissioners.

**PERSONAL RESIDENCE**

Shall mean a building or structure containing living quarters occupied or intended to be occupied by no more than two individuals, two groups or families living independently of each other and used by the owner or lessee thereof as a bona fide residence.

§ 10-3.3 **Prohibition of Discriminatory Practices.**

**[1990 Code § 10-3.3]**

It shall be unlawful discriminatory practice for any persons to:

- a. Refuse to sell, lease, finance or otherwise to deny or withhold commercial housing from any person because of race, color, religious creed, ancestry, sex or national origin of any prospective owner, occupant or user of such commercial housing to any person due to use of a guide dog because of the blindness of the user.
- b. Refuse to lend money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing from any person

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because of the race, color, religious creed, ancestry, sex or national origin of any present or prospective owner, occupant or user of such commercial housing.

- c. Discriminate against any person in the terms or conditions of selling or leasing of any commercial housing or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any commercial housing because of race, color, religious creed, ancestry, sex or national origin or any present or prospective owner, occupant or user of such commercial housing, or to discriminate against any person in terms of leasing any commercial housing or in furnishing facilities, services or privileges in connection with the occupancy or use of any commercial housing due to use of guide dog because of the blindness of the user.
- d. Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, or repair or maintenance of commercial housing because of the race, color, religious creed, ancestry, sex or national origin of any present or prospective owner, occupant or user of such commercial housing.
- e. Print, publish or circulate any statement or advertisement relating to the sale, lease or acquisition of any commercial housing or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance specification, or discrimination based upon race, color, religious creed, ancestry, sex or national origin, or to print, publish or circulate any statement or advertisement relating to the lease of any commercial dwelling which indicates any preference, limitation, specification or discrimination based upon use of a guide dog because of the blindness of the user.

#### § 10-4 SCAFFOLDING AND OTHER TEMPORARY PLATFORMS.

##### § 10-4.1 Declaration of Intent.

###### [1990 Code § 10-4.1]

The Mayor and Council hereby declare the intent to regulate, in a manner consistent with the interests and to insure the protection and safety of the citizens of the City, the location, use, placement and construction of temporary construction platforms.

##### § 10-4.2 Compliance Required.

###### [1990 Code § 10-4.2]

No person shall encumber or obstruct any street, highway, public lane, alley, sidewalk or other public place in the City by placing therein or thereon any scaffolding or other temporary construction platforms used in the construction, repair or maintenance of buildings except in compliance with the provisions of this section.

##### § 10-4.3 Definitions.

###### [1990 Code § 10-4.3; Ord. No. 2010-13]

As used in this chapter:

#### ENFORCEMENT OFFICER

Shall mean the Construction Code Official of the City of Lambertville.

#### SCAFFOLDING

Shall mean a temporary platform, manlift, ladder and planks, pump jacks, frame or similar means used chiefly to support workmen and materials in the construction, maintenance and/or repairs of buildings.

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**§ 10-4.4 Encroachments.**

**[1990 Code § 10-4.4; Ord. No. 2010-13]**

- a. The placement of a scaffold upon a sidewalk, street, highway or any other public place within the limits of the City, by any person other than agents or employees of the City is hereby prohibited unless a permit for the placement of the scaffold is obtained from the Construction Official, pursuant to this section, and evidence of such permit is displayed conspicuously on the building for which the scaffold is being used by means specified by the Construction Official.
- b. This section shall not be construed to prohibit the placement of a scaffold on private property except for scaffolding in close proximity to a sidewalk, street, or other public place such that it may pose a hazard to the safety of the public as determined by the Construction Official.

**§ 10-4.5 Application for Permit.**

**[1990 Code § 10-4.5; Ord. No. 2010-13]**

An application for a permit pursuant to subsection **10-4.4** shall be made on forms approved and made available by the Construction Official. Such application shall include, but not be limited to, the following information:

- a. The name and address of the applicant.
- b. A description or diagram of the location where the applicant proposes to place the scaffold. A signed sealed engineers drawing may be required as determined by the Construction Official.
- c. A description of the scaffold which the applicant proposes to place on the sidewalk, street or any other public place in the City, which includes the name of its manufacturer and its capacity.
- d. The circumstances necessitating the use of the scaffold.
- e. The length of time the applicant plans to place the scaffold on the site, such time not to exceed 30 days.

**§ 10-4.6 Fee.**

**[1990 Code § 10-4.6; Ord. No. 2007-27; Ord. No. 2010-13]**

- a. A minimum fee of \$50 is required before any permit is issued pursuant to this section. The Construction Office shall approve the subsequent renewals and an additional minimum fee of \$25 shall be due and payable upon issuance of all renewals.
- b. The minimum fee shall be charged for all scaffolding 15 feet or less in height and 30 feet or less in length. An additional \$10 per foot for each additional foot of height and/or length shall be charged for the application and \$5 per foot for each renewal with a maximum fee of \$600 for any single scaffold for any one month.

**§ 10-4.7 Insurance.**

**[1990 Code § 10-4.7]**

Each application for a permit authorized under this section shall be accompanied by a policy or certificate of insurance, including the applicant and the City as named insured and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the use of the scaffold. Such policy or certificate shall contain limits of at least \$500,000

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for bodily injury and \$100,000 for property damage and shall provide at least 30 days' notice of cancellation to be afforded to the Construction Official.

#### § 10-4.8 Permit Term; Expiration.

##### [1990 Code § 10-4.8; Ord. No. 2010-13]

- a. No permit shall be granted by the Construction Official for a term longer than required for the project. This time frame shall be determined by the Construction Official upon the initial issuance of the permit. Initial fees and renewal fees to be as stated in this chapter up to the term required for the project. Permit fees for renewals after the initial term will be increased by 50% and the maximum fee of \$600 shall no longer apply.
- b. Upon the expiration of the permit or any renewals thereof, the applicant shall remove, or cause to be removed, the scaffold from the sidewalk, street or any other public place.

#### § 10-4.9 Revocation of Permit.

##### [1990 Code § 10-4.9]

- a. Any permit granted pursuant to the provisions of this section may be revoked by the Construction Official if:
  1. The permit holder has made any false statements in his application for a permit; or
  2. The permit fails to conform to the provisions of this section; or
  3. In the opinion of the Construction Official, the work necessitating the use of scaffold is not proceeding in a normal fashion.
- b. A decision by the Construction Official to revoke any permit issued pursuant to the provisions of this section shall be submitted in writing to the permit holder by registered or certified mail. Such decision shall state clearly the grounds for the revocation.
- c. The permit holder may appeal the revocation to the Mayor and Council. An appeal must be filed by the permit holder with the City Clerk within seven days after the notice of revocation was mailed to him. Such appeal must state in writing the grounds for the appeal. The Mayor and Council shall then set a time and place for the hearing and notify the permit holder in writing at least five days in advance of the hearing by mailing a notice to his last known address. The decision and order of the Mayor and City Council shall be final and conclusive.

#### § 10-4.10 Violation and Penalties.

##### [1990 Code § 10-4.10]

Any person violating the terms of this section shall, upon conviction in Municipal Court, be liable to the penalty in Chapter 1, Section 1-5. A person shall be guilty of a separate offense for each day he fails to comply with an order of the Construction Official validly issued requiring the scaffold to be removed.

#### § 10-5 NUMBERING OF BUILDINGS.

##### § 10-5.1 Purpose.

##### [1990 Code § 10-5.1]

The purpose of this section is to require clear display of authorized and assigned house or building numbers on every dwelling house, store or other principal buildings fronting on any street in the City of Lambertville in order to assist the general public and emergency services, public and private, in identifying the property in case of emergency or otherwise.

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**§ 10-5.2 Applicability.**

**[1990 Code § 10-5.2]**

All dwelling houses, stores or other principal buildings erected or to be erected within the City shall display house numbers assigned by the Tax Assessor as provided herein and in conformity with the specifications set forth in subsection **10-5.4**.

**§ 10-5.3 Responsibility of Owner for Placement of Number and Time Limit.**

**[1990 Code § 10-5.3]**

The owner of every dwelling house, store or other principal building which now fronts or which may hereafter front upon any public or private street within the City shall, at his own expense, cause the authorized and assigned number of such house or building to be permanently and conspicuously placed in accordance with the specifications set forth herein.

**§ 10-5.4 Specifications.**

**[1990 Code § 10-5.4]**

a. House or building numbers shall be:

1. In Arabic numerals.
2. A minimum height of three inches.
3. Mounted in a secure fashion to the front wall or porch of the building or other fixed appurtenance in the front of the building so as to be clearly visible from the street.
4. Sufficiently legible as to contrasting background, arrangement, spacing and uniformity so as to be clearly visible from the street.
5. At least 30 inches above ground level and so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the street upon which the building fronts.

b. Visibility of numbers on building which is set back. If the dwelling house, store or principal building has such a setback location that the provisions cannot be complied with, then the owner shall provide a post, rod or other type of fixture of a substantial nature, including a mailbox, with the number affixed thereon and so located on the premises that the number shall be conspicuous and visible from the street upon which the building fronts.

Commented [1]: make this phrase plural

**§ 10-5.5 Assignment of Numbers; Application for Number.**

**[1990 Code § 10-5.5]**

House numbers shall be assigned by the Tax Assessor. Every owner of a building constructed or to be constructed in the City shall apply to the Tax Assessor for an authorized number in accordance with this section and the applicable provisions of the Subdivision Ordinance of the City of Lambertville.

**§ 10-5.6 Conformance to Numbering System and Adoption of Map.**

**[1990 Code § 10-5.6]**

The number of houses and buildings on the various streets in the City shall be in conformance with the Tax Map of the City of Lambertville and with the current Tax Records which are on file in the Office of the City Clerk and will remain on file in that office for the use and examination of the public. The Tax Map and Tax Records are annexed hereto and made a part hereof without inclusion thereof herein.

**§ 10-5.7 Enforcement.**

**[Ord. No. 90-11; 1990 Code § 10-5.7; New]**

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Upon the failure of an owner to ascertain and affix upon any building to which this section applies the assigned and authorized number within 30 days of the issuance of a certificate of occupancy or notification by the City Clerk to affix the building number, the City Clerk may enforce the provisions herein.

§ 10-5.8 **Violations and Penalties.**

**[1990 Code § 10-5.8]**

Any person who violates the provisions of this section, upon conviction thereof, shall be liable to the penalty stated in Chapter 1, Section 1-5.

§ 10-6 **ALARM SYSTEMS.**

§ 10-6.1 **Purpose.**

**[1990 Code § 10-6.1]**

The purpose of this section is to regulate and control the installation, operation and maintenance of private alarm systems within the City in order to insure that the quality of alarm responses rendered to the public will be maintained at a high level, to eliminate potential harm resulting in responses to false alarms, and to alleviate conditions otherwise leading to unnecessary drain on the manpower, time, space, facilities and finances of the City of Lambertville and its Police and Volunteer Fire Department.

§ 10-6.2 **Scope.**

**[1990 Code § 10-6.2]**

The purpose of this section is to provide standards and regulations for various types of intrusion, burglary, fire and other emergency alarm equipment which produce a visual or audible signal or function by direct line, radio, telephone or by any other means requiring a response by the Police Department, volunteer Fire Department or other municipal agencies.

The provisions of this section shall apply to alarm businesses and to any person who operates, maintains or owns any alarm device, dial alarm or local alarm designed to produce a visual or audible signal of an emergency and designed to summon or alert, directly or through others, the Police Department, Fire Department or other municipal agencies in response to any type of alarm signal.

§ 10-6.3 **Definitions.**

**[1990 Code § 10-6.3]**

The following definitions shall apply in the interpretation and enforcement of this section unless otherwise specifically stated:

**ALARM BUSINESS**

Shall mean any business, operated by a person, partnership, corporation or other individual or entity which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to a fire or burglar alarm system(s) or which causes any of these activities to take place. Excluded from this definition, however, are retail establishments which sell alarm systems over the counter and do not service same.

**ALARM DEVICE**

Shall mean any type of alarm-activating equipment which provides warning of burglary, intrusion, fire, flood or like peril.

**ALARM SYSTEM**

Shall mean equipment or a device, or an assembly of equipment and devices to signal the presence of an emergency or hazard requiring urgent attention and to which the Police Department, Fire Department or other municipal agency may be expected to respond.

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Shall mean any person, firm, partnership, association, corporation, company or organization or entity of any kind in control of any building, structure or facility wherein an alarm device or system is maintained, and including; but not limited to, owners, tenants, subtenants or otherwise.

**DESIGNATED REPRESENTATIVE**

Shall mean the individual designated by the Police Director or the Fire Official who performs a function required or permitted by this section under the supervision of the Police Director or the Fire Official.

**DIAL ALARM**

Shall mean any type of alarm system using telephone lines, transmitting an alarm directly through the communications switchboard, answering service or alarm company console, providing warning of intrusion, fire or other peril.

**FALSE ALARM**

Shall mean any alarm or signal of an alarm actuated by inadvertence, negligence, intentional or unintentional act of a person, domestic animal and/or household pet other than an intruder; and including alarms caused by mechanical failure, malfunction or improper installation of the alarm system and related equipment. It shall further include improper adjustment (sensitivity) to suppress false indications due to short flashes of light, wind, noises, rattling or vibrations of doors or other forces.

**FIRE ALARM EQUIPMENT**

Shall mean and include the following:

- a. Devices which automatically detect heat, smoke or other products of combustion.
- b. Manual systems which actuate a fire alarm signal.
- c. Mechanical systems designed and equipped to detect fires, actuate an alarm, and suppress such fires, to include "water flow alarms."

**FIRE OFFICIAL**

Shall mean the individual appointed by the Mayor with the consent of Council pursuant to Chapter 11 of the Lambertville City Code or his designated representative.

**FIRE SERVICES**

Shall mean the authorized fire companies providing fire protection and suppression to the City of Lambertville under the direction of the Fire Chief and the Board of Fire Commissioners.

**INDEPENDENT SMOKE DETECTOR**

Shall mean a device having an audible alarm indicating smoke and/or fire within a structure and not connected to an alarm system or to any external sounding device outside of the structure.

**LICENSEE**

Shall mean the person who holds the license to install, operate and maintain the alarm/alarm console pursuant to the provisions of this section.

**LOCAL ALARM**

Shall mean any alarm system, which, when activated, produces a signal not connected to an alarm console or the communications switchboard, including, but not limited to business

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burglar alarms actuating bell or other sound generating devices and/or light emitting devices providing warning of intrusion or other peril. The term "local alarm" shall not include an alarm system solely connected to a registered motor vehicle, nor shall the term include equipment designed to signal solely within a building or series of buildings and which does not emit signals, visible or audible, to persons outside such building or buildings, i.e. "independent smoke detector."

**PERMITTEE**

Shall mean any person who owns an alarm device who has obtained a permit according to the provisions of this section. All permits shall be issued and fees paid therefor on a one time basis.

**PERSON**

Shall mean any natural person or individual, or any firm, partnership, association, limited partnership, sole proprietorship, corporation or any other business entity.

**POLICE DIRECTOR**

Shall mean the individual appointed by the Mayor with the advice and consent of the Council pursuant to Chapter 3, Article I of the Lambertville City Code, or his designated representative.

**WRITTEN NOTICE**

Shall mean notice by certified mail, return receipt requested.

**§ 10-6.4 Registration of Alarm System.**

**[1990 Code § 10-6.4; New]**

- a. No person shall install, operate or maintain any alarm system unless the alarm system has been registered with the Lambertville Police Department. The Police Department shall provide a copy of all approved registration forms to the Lambertville Fire Official, Fire Chief and the Construction Official.
- b. An alarm system shall be deemed registered at such times as a registration form supplied by the Police Department is completed as to all information requested therein. Among the information to be provided on the registration form is the following:
  1. The name, address and telephone number of the owner and tenant or occupier of the property if other than the owner, upon which the alarm system is installed.
  2. The name, address and telephone number of the installer of the system.
  3. The type of system.
  4. A list of names, addresses and telephone number of the person(s) to be contacted in the event of an alarm or in an emergency situation determined by the Police or Fire Department.
  5. The names, address and twenty-four-hour telephone numbers of the persons or company maintaining the alarm system.
- c. No further renewal registration shall be required unless and until there has occurred any material change in the information previously submitted with respect to any alarm system in which event it shall be the duty of the owner and user of the alarm system within 10 days of

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such material change, to file a supplemental or revised registration containing accurate, current information.

- d. A one-time fee in the amount of \$25 shall accompany each registration. Change or reregistration for new owners or users, there shall be a fee of \$10. Upon payment of the fee and filing of the registration, two decals will be issued. The decals will be placed in plain view, near the front/main entrance and rear/secondary entrance of the premises.
- e. All pre-existing alarm systems shall comply with the requirements of this section within 60 days of the date of the final adoption of this section.
- f. Excluded from this provision are "independent smoke detectors" that do not emit an audible or visible signal outside of the structure.
- g. No person shall install any alarm system without first filing an application with the Construction Official or the appropriate subcode officials, in writing and obtaining the required permit, [therefore](#), pursuant to N.J.A.C. 5:23-2.14.
- h. Any pre-existing alarm system that was installed without the required inspection and approval of a construction permit pursuant to the Uniform Construction Code shall obtain said permits and inspection approvals.

**§ 10-6.5 General Provisions Regarding Installation Activation and Operation of New Alarm System.**  
**[1990 Code § 10-6.5]**

- a. Each "alarm system" as defined herein and installed after the effective date of this section shall utilize discrete circuitry for multi-purpose alarm systems to insure appropriate emergency response.
- b. Any alarm system which requires for its operation electricity supplied by a public utility may be equipped with a battery rendering it operable in the event of a power outage if so desired by the property owner. Such a battery back-up shall be required for any alarm system which will trigger itself automatically in the event of a power outage.
- c. Every alarm system must be provided with a device which will shut off the alarm after 10 minutes of activation.
- d. Every burglar alarm system shall be equipped with a time delay of at least 15 seconds which may include an audible signal of the same length of time, said time delay to be designated to prevent accidental activation of the system. The 15 second audible signal, if utilized, shall be audible only within [the](#) structure and not externally.
- e. No alarm system may be connected directly or indirectly to the Police or Fire Department.
- f. No person shall install, cause to be installed or permit to be installed, any alarm device by whatever name known, which automatically selects a telephone line dedicated to the Police or Fire Department for the purpose of playing a recorded message to report any emergency. All alarm systems shall be programmed to dial Hunterdon County Communications at 908-782-0911.

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1. All central station and proprietary alarm systems, including automatic systems shall have the responsibility to identify and communicate the nature of the alarm; burglar alarms to Police Department and fire alarms to the Fire Department.
- g. All dial alarms shall be capable of being disconnected to allow a call to the Police Department or Hunterdon County Communications in the event of a false alarm.
- h. No Police, Fire or other public department or official shall be responsible in any way for the resetting or maintenance of any alarm system.
- i. No alarm business or person owning, using or possessing an alarm system shall cause or permit the giving of repeated false alarms, for test purposes or otherwise, whether intentional, accidental or otherwise. Owners and operators of such alarms shall be governed by the false alarm procedures and penalties set forth in this section.
- j. If any person has any dial alarm connected at the time of the effective date of this section, it shall be reprogrammed within 30 days of said effective day to comply with this ordinance. (Refer to subsection **10-6.5k** below.)
- k. The contents of a dial alarm message shall be clear and intelligible and in the format approved by the Police Director or Fire Official. No such message shall be transmitted more than two times as a result of a single stimulus of the mechanism. Messages shall not exceed 15 seconds and the time gap between each shall not exceed 10 seconds.
- l. The sensory mechanism of dial alarms shall be adjusted so as to suppress false indications and not be actuated by impulses due to short flashes of light, wind, noises, rattling or vibration of doors or the forces unrelated to general alarms.
- m. Permits for local alarm systems shall not be issued with respect to buildings which are not owner-occupied, prior to receipt by the Police Director of satisfactory proof that the occupant(s) of the building have been notified of the existence of such alarm system, or of the intent to install a local alarm system and the provisions of this section.
- n. By installing an alarm system and registering same with the City of Lambertville Police Department, each permittee agrees to indemnify and hold harmless the City of Lambertville and the Volunteer Fire Companies and Fire Department of the City of Lambertville and mutual aid departments, their agents, servants and employees from and against any and all claims, suits, damages, costs, losses and expenses and to release the City of Lambertville, the Volunteer Fire Companies, the Fire Department and the Board of Fire Commissioners and mutual aid departments, their agents, servants and employees from any and all liability or damages in any way resulting from or arising out of or connected with the installation, operation or maintenance of the alarm system or any act or omission connected therewith.
- o. Any alarm business and/or property owner having knowledge of the sale or change of tenants in a property shall be responsible for notifying the Police Department when one of its customers possessing an alarm system sells the property or changes tenants. The alarm business shall notify the Police Department of the name of the new owner or tenant and whether or not the new owner or tenant is continuing with an alarm device or system within the property.

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§ 10-6.6 Confidentiality.

**[1990 Code § 10-6.6]**

All information submitted in compliance with this section shall be held in the strictest confidence and shall be deemed a record exempt from public disclosure pursuant to State Statute. Any violation of confidentiality shall be deemed a violation of this section.

§ 10-6.7 Penalties for Owners, Users, Alarm Businesses Engaged in the Operation, Installation or Maintenance of Alarm Systems or Devices.

**[1990 Code § 10-6.7; Ord. No. 2005-05 § 1]**

- a. Any person who fails to register an alarm system as required by the provision of this section is subject to a minimum of \$50 and maximum of \$500 fine to each and every violation.
- b. Any owner, user or alarm business who installs such a system that is not in compliance with this section is subject to a fine of \$50 and may be required to remove such alarm systems.
- c. In the case of each false burglary alarm which summons the Police Department to respond, the Police Director shall cause an investigation to be made and shall keep a record of such false burglary alarms on file.
- d. In the case of each false fire alarm which summons the Fire Department to respond, the Fire Official shall cause an investigation to be made and shall keep a record of such false fire alarm on file.
- e. In the event of a false burglary alarm, excluding acts of God, the permittee shall, within three days to complete a written report setting forth the causes of the false burglary alarm, the corrective action taken and a statement as to whether the burglary alarm system has been inspected and/or serviced by an alarm service company and such other information as the Police Director may reasonably require.
- f. In the event of a false fire alarm, excluding acts of God, the permittee shall be responsible within three days to complete a written report setting forth the cause or causes of the false fire alarm and such other information as the Fire Official may reasonably require. Furthermore, within 10 business days the fire alarm company must submit to the Fire Official the corrective action taken and a statement as to whether the fire alarm system has been inspected and/or serviced by an alarm service company.
- g. If a report is not filed or insufficient action is taken to resolve the problem, in cases of false burglary alarm report the Police Director may file action in Municipal Court for violation of this section. In cases of false fire alarm report the Fire Official may file action in Municipal Court for violation of this section.
- h. Owners and/or users of alarm systems shall be subject to the following minimum fine schedule for false alarms within a twelve-month period.

Number of False Burglary Alarms Within a Twelve-Month Period	Minimum Fine/Penalty
1-2	Provide written report as per subsection <b>10-6.7</b>
3	\$50
4	\$100
5	\$200

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6	\$400
More than 6	\$500 per occurrence
<b>Number of False Fire Alarms Within a Twelve-Month Period</b>	<b>Minimum Fine/Penalty</b>
1	Provide written report as per subsection <b>10-6.7</b>
2	\$250
More than 3	\$500 per occurrence

The calculation of the number of false alarms, for both burglary and fire shall be without regard to whether the false alarms involved intrusion alarms or fire alarms.

**§ 10-6.8 Penalty for Intentional False Alarm.**

**[1990 Code § 10-6.8; New]**

Unless otherwise provided by law, any person who intentionally causes the giving of false alarm shall be in violation of this section and subject to a penalty of not less than \$250 and not more than \$2,000 and/or imprisonment for any term not to exceed 90 days, and/or by a period of community service not to exceed 90 days for each such offense.

**§ 10-6.9 General Regulations.**

**[1990 Code § 10-6.9]**

- a. Testing Alarms. Any person testing an alarm system covered by the provisions of this section shall notify the Police Department and Hunterdon County Communications immediately prior to and immediately after the testing is completed. Failure to do so shall constitute a violation of this section and subject such person to the penalties set forth herein.
- b. The Police Director, Fire Chief and Fire Official shall cooperate in all respects in connection with the administration of this section and the forms, permits, decals, records and other documents used by the Police Director.
- c. Rules and Regulations. The Police Director may, from time to time, promulgate rules and regulations in furtherance of the administration of this section which shall be enforced through the Police Department. Said rules and regulations shall become effective upon approval by resolution adopted by the Mayor and City Council.

**§ 10-6.10 Enforcement.**

**[1990 Code § 10-6.10; Ord. No. 2005-05 § 2]**

The Police Director is hereby designated as officer in charge of the enforcement of this section, excluding false fire alarms. The Fire Official is hereby designated as officer in charge of the false fire alarms. The Mayor and Council may designate such assistant enforcement officers for purposes of the enforcement of this section as are needed for such purposes. The enforcement officer shall have the authority to use the services of the Police Department or any public authority to enforce this section.

**§ 10-7 RENTAL OF HOUSING UNITS.**

**§ 10-7.1 Definitions.**

**[Ord. No. 2010-23]**

As used in this section, the following terms shall have the meanings indicated:

**ADULT TENANT**

Shall mean a person over the age of 18 years not previously occupying a dwelling unit.

**BUILDING**

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

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**DWELLING**

Shall mean a building or structure or part thereof containing one or more dwelling units which are to be leased or rented to a person other than the owner or provided to any occupant as compensation for services rendered to the Landlord or any third party. A dwelling shall not include a State licensed group home operated by a non-profit corporation or public entity.

**DWELLING UNIT**

Shall mean any room or group of rooms or any part thereof located within a building containing habitable space and forming a single housekeeping unit with facilities which are used or designed to be used for living, sleeping, cooking, and eating for a single family or the functional equivalent thereof.

The provisions of N.J.S.A. 40:49-5.1 and N.J.A.C. 5:28-1.11, are hereby adopted as the standard governing supplied utilities, facilities and other physical things and conditions to make buildings and dwellings, both residential and nonresidential, safe, sanitary and fit for human habitation, occupancy or use.

**DWELLING, STANDARDS TO BE APPLIED**

For all dwellings in the City of Lambertville the following standards are adopted by reference:

**HABITABLE SPACE**

Shall mean the space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space in similar areas are not considered habitable space.

**HOUSING ENFORCEMENT OFFICER**

Shall mean the person authorized by this section to issue Notice of Violations or Summons to enforce compliance with this section and to investigate and/or inspect complaints and possible unsafe conditions and includes the Rental Housing Officer, Zoning Official, Fire Official, Construction Official, and any Police Officer of the City of Lambertville.

**LANDLORD**

Shall mean the owner or owners of the freehold of the premises or lessor estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, or their duly authorized agents, firm or corporation in control of a building, dwelling, apartment house or habitable space of premises.

**OCCUPANT**

Shall mean any person, including minors, who reside or intends to reside in a dwelling unit.

**RENTAL HOUSING OFFICER**

Shall mean the person authorized by this section to issue permits and conduct inspections and shall include the Construction Official, the Police Director or his designee and the Zoning Officer of the City of Lambertville.

**TENANT**

Shall mean any person, including minors, who reside in a dwelling unit on a continuous basis for more than 30 days.

**VACANT DWELLING UNIT**

Shall mean a dwelling unit where the previous tenants have vacated, or where more adult tenants than permitted by the Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, seek to occupy the dwelling unit.

[Amended 12-19-2019 by Ord. No. 28-2019]

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**§ 10-7.2 Annual Landlord Registration Addendum (ALRA) Required.**

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]**

Within 90 days of the effective date of this section, adopted October 18, 2010, every landlord in the City of Lambertville shall make application for, and file with the Rental Housing Officer, an Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, for every building containing one or more dwelling units occupied by one or more tenants. Thereafter the Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, shall be renewed annually each March 1st. All Annual Landlord Registration Addenda (ALRA), in accordance with Chapter 11 of the City Code, received after April 1st of each year shall be considered late and are subject to applicable late fees.

**§ 10-7.3 Application for Annual Landlord Registration Addendum (ALRA); Affidavit of No Change.**

**[Ord. No. 2010-23; Ord. No. 04-2014; amended 12-19-2019 by Ord. No. 28-2019]**

- a. Application, Information Required. An application form for an Annual Landlord Registration Addendum (ALRA) shall be available from the City Clerk and shall not be deemed complete unless the applicant provides the following for each building containing one or more dwelling units rented to one or more tenants owned by the landlord in the City:
1. Name, address and phone number of the landlord.
  2. Address of building ("building") and dwelling unit number or other identifying information for the dwelling unit.
  3. Number of dwelling units in the building.
  4. For each dwelling unit in the building:
    - (a) Identify the unit number or other identifying information.
    - (b) Set forth the gross floor area in square feet of each room occupied for sleeping purposes.
    - (c) Set forth the total gross floor area in square feet of habitable rooms.
    - (d) Total number of tenants permitted in the dwelling unit.
    - (e) Total number of occupants who are to reside in the dwelling unit.
    - (f) The date tenancy commenced or will commence.
  5. Proof of current payment of property taxes, assessments against property, sewer charges, or other municipal charges, or assessments pursuant to N.J.S.A. 40:52-1.2.
  6. Payment of Registration Fees.
  7. A certification from the landlord that the dwelling unit to be rented complies with this section.
  8. A certification from the landlord that he/she will not authorize more than the maximum permitted tenants to occupy the dwelling unit.

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9. In the event of a change in landlord of the dwelling unit, a new Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, shall be filed with the City Clerk.
  10. Proof of approval to operate as a multi dwelling such as Board of Adjustment approval or proof of operation prior to the adoption of the 1971 Zoning Ordinances.
  11. In the event of a change in tenants, a new Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, must be completed within 10 days of the occurrence.
  12. SDCMFX Inspection which requires smoke detector and carbon monoxide fire extinguisher certification.
- b. Renewals with no changes; Affidavit. Landlords who have experienced no changes to the application filed the previous year, may certify the information (items a.1 through a.12) is correct and has not changed by completing an affidavit of the full application.

#### § 10-7.4 Annual Landlord Registration Addendum (ALRA) Required.

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]**

No landlord shall permit a tenant to occupy, let or sublet to a tenant, nor shall any person or persons lease or occupy any vacant dwelling unit, without receiving a Landlord Registration Certificate which certifies that the dwelling unit complies with the provisions of the most current revision of the Zoning Ordinance, this section and any other applicable laws and regulations.

#### § 10-7.5 Procedure Upon Increase of Occupants.

**[Ord. No. 2010-23]**

- a. Every landlord shall have the obligation to monitor any increase in the number of tenants in each dwelling unit and prevent any increase in tenants that exceeds the number of tenants permitted in the Landlord Registration Certificate. In addition, the landlord shall have the obligation to alert the Rental Housing Officer within 10 days of increase in the number of tenants in a dwelling unit above that permitted in the approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code. **[Amended 12-19-2019 by Ord. No. 28-2019]**
- b. Every tenant shall have the obligation to notify the landlord of any increase in the number of tenants within 10 days of the arrival of a new tenant.
- c. Neither the tenant nor the landlord shall permit more tenants to occupy the dwelling unit than the maximum number of tenants set forth in the approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code. **[Amended 12-19-2019 by Ord. No. 28-2019]**

#### § 10-7.6 Limitations of Occupancy.

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]**

The maximum number of persons which may inhabit a dwelling unit shall be computed as follows and certified in the Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code:

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- a. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
- b. Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements.
- c. Maximum Occupancy. The maximum number of tenants inhabiting a building rented for residential purposes shall be stated in the approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code.

**§ 10-7.7 Minimum Standards for Room Occupancy: Light, Ventilation, Bath and Kitchen Requirements, and Decks.**

**[Ord. No. 2010-23]**

- a. Light and Ventilation. Every room containing habitable space must have at least one window capable of being opened or other opening directly upon a street, yard, court or other open space. The total area of such opening shall be not less than 12% of the floor area of such room and in no case less than 12 square feet.
- b. Bathroom and Kitchen. Each dwelling unit shall contain a full bathroom (including a water closet, lavatory and either a bathtub or shower) and a kitchen meaning an area for the preparation of food (including a stove and sink).
- c. Maximum Deck, Balcony or Porch Space. The maximum allowable number of people on any deck, balcony or porch shall be one person per nine square feet in accordance with the maximum standing room space allowed as per the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1.1 et seq.
- d. Structures that preexisted the adoption of the 1971 Zoning Ordinance may continue to be used as a dwelling unit notwithstanding they do not meet the requirements of this section, provided their continued use is permitted by and the Uniform Fire Safety Code, N.J.S.A. 52:27D-192 et seq., and New Jersey Uniform Fire Safety Code, N.J.A.C. 5:70-1.1 et seq. (jointly referred to as "Uniform Fire Safety Code"). The Landlord shall submit a written request with the application for the Rental Certificate of occupancy for such continued use along with a written explanation as to how compliance with the Uniform Fire Safety Code creates practical difficulties.

**§ 10-7.8 Violation of Occupancy Requirements, Inspections, Enforcement.**

**[Ord. No. 2010-23]**

- a. It shall be unlawful and in violation of this section for a landlord, owner or a tenant of a dwelling unit to allow a greater number of people than the permitted maximum number of tenants listed in the Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, to rent or occupy any dwelling unit. **[Amended 12-19-2019 by Ord. No. 28-2019]**
- b. It shall also be unlawful and in violation of this section for a tenant, landlord or an owner to allow a number of people greater than the maximum number of people permitted to occupy the deck, balcony or porch of said dwelling unit to occupy the deck, balcony or porch of said dwelling unit.

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- c. The Housing Enforcement Officer is authorized to issue summons for violations of this section to any owner, landlord or tenant found to be in violation of this section.
- d. Inspections. The Rental Housing Officer or his agents or duly designated designee may make inspections to determine the condition of dwellings containing a dwelling unit to be rented to a tenant prior to the issuance of an approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code. For the purpose of making inspections, the Rental Housing Officer is authorized to enter and examine any dwelling, dwelling unit, rooming unit or premises at such reasonable hours as the circumstances of the case permit with the permission of an occupant, tenant, owner or landlord. In the event entry is denied, then, upon advice of the municipal attorney, recourse to a court of competent jurisdiction shall be pursued. **[Amended 12-19-2019 by Ord. No. 28-2019]**

**§ 10-7.9 Unlawful Activities.**

**[Ord. No. 2010-23]**

It shall be unlawful and in violation of this section for a landlord or owner of a dwelling unit or tenant of a dwelling unit or apartment:

- a. To permit or allow people to reside in a dwelling unit in a number in excess of the number of people for which sleeping accommodations are provided in accordance with this section.
- b. To lease or rent a dwelling unit where the number of tenants exceeds the total number of sleeping accommodations as set forth in subsection **10-7.6**.
- c. To knowingly permit a number of people, greater than the maximum number of occupants or tenants permitted, to occupy a dwelling unit.
- d. For the landlord to fail to file with the Rental Housing Officer an Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, as required by Subsection **10-7.2** for each building owned by him in the City of Lambertville containing a dwelling unit. **[Amended 12-19-2019 by Ord. No. 28-2019]**
- e. To violate any other provisions of the New Jersey State Housing Code, N.J.A.C. 5:28-1.1 et seq., and/or the Uniform Fire Safety Code.
- f. To enter into a lease agreement without at least one tenant being an adult, and requiring all adult tenants to sign the lease.
- g. To violate any subsection of this section.
- h. Filing a false certification.

**§ 10-7.10 Reporting of Violations.**

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]**

It shall be the legal duty of each holder of an Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, to immediately report any breaches of the peace or violations of this section which he may know or believes to have occurred on the leasehold premises, which report shall be made to the Rental Housing Officer or the Police Department of the City of Lambertville by the most expedient means.

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§ 10-7.11 Violation for False Information.

**[Ord. No. 2010-23]**

Any person who is found to have submitted false information, documentation or identification in connection with an application for a Landlord's Registration Statement shall pay a minimum fine of \$250, plus court costs for the first offense, second offense a minimum of \$1,225 and third offense or more \$2,000 for each document containing false information, documentation or identification. Any person who submits a false certification or documentation shall be subject to criminal prosecution, in addition to the penalties contained herein. In addition to the foregoing, a certificate of occupancy that is issued on the basis of information or documentation that is knowingly false or fraudulent when made, shall be subject to revocation pursuant to and in accordance with the provisions herein.

§ 10-7.12 Fees.

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]**

There shall be an annual fee of \$50 to file an Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, for each building containing one or more dwelling units.

A late fee of \$50 shall be applied to all registrations or renewals filed after April 1 of each year.

§ 10-7.13 Tenant Subject to Removal.

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]**

Any tenant renting premises in the City of Lambertville who occupies the premises prior to obtaining an approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, shall be subject to immediate removal from the premises. Any costs associated with the removal and subsequent relocation of tenants that are incurred by the City of Lambertville shall be the responsibility of the landlord and/or tenant.

§ 10-7.14 (Reserved)

§ 10-7.15 Violations and Penalties.

**[Ord. No. 2010-23]**

- a. In addition to the penalties as set forth in subsection 10-7.11, any owner, agent, landlord, tenant and any person or corporation who shall violate any provision of this section or fail to comply therewith or with any of the requirements thereof, shall be liable for one or more of the following: imprisonment in the County Jail for any term not exceeding 90 days; by a period of community service not exceeding 90 days; a fine not less than \$100 nor more than \$2,000. Each and every day such violation continues shall be deemed a separate and distinct violation. Each violation of this chapter shall be a separate and distinct violation. The imposition of a fine in amount greater than \$1,250 upon an owner for violation of this section shall provide for thirty-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded the opportunity for a hearing in the Municipal Court for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 (up to a maximum of \$2,000 may be imposed if the Court has not determined otherwise, or, upon reinspection of the property it is determined that the abatement has not been substantially completed. (N.J.S.A. 40:49-5)
- b. Refusal of Entry. Anyone who knowingly refuses entry or access to any lawfully authorized housing enforcement officer of the City of Lambertville for the purpose of inspection pursuant to this section or who unreasonably interferes with such inspection shall be subject to a fine of not more than \$250 for each offense.

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PUBLIC HEARING AND SECOND READING: May 20, 2021

Mayor Fahl asked for a motion to introduce Ordinance Number 13-2021. Councilwoman Lambert made the motion to introduce Ordinance Number 13-2021. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ORDINANCE SECOND READING AND PUBLIC HEARING**

ORDINANCE NUMBER 08-2021: An Ordinance to Amend the Lambertville City Code, 2014, Chapter XIX, Stormwater Management.

AND

ORDINANCE NUMBER 09-2021: An Ordinance to Amend the Lambertville Land Use Ordinances, Section 510, Landscaping.

Please note: There have been some formatting changes to the ordinance to make it comply with our current structure.

will be carried to the May 20, 2021 Voting Session.

**NEW BUSINESS/CONSTITUENT CONCERNS**

**BOUNDARY CHANGE – William Opel – City Attorney**

The City Attorney informed the members of the Governing Body that there are two properties in question: 51 bridge 41 ferry street. They were the subject of a Planning Board application, and the findings of the Planning Board required a change to the zoning map. The Governing Body has to adopt an ordinance to amend the Zoning Map. One lot is in Central Business District, and the other lot is in the Residential 2 zone. The city planner will prepare a map with the new boundaries and what was once a flag shaped lot will now be two square looking lots. By operation of law, the lot lines are fixed to show that subdivision once the plat is recorded with the county but it doesn't change the zoning map. This would codify the city's ordinance to show the adjustment in accordance with the lot lines. The City Clerk will check with the City Planner on timing so that we can put this on the Council agenda for introduction.

**MARIJUANA UPDATE – Councilman Sanders**

Councilman Sanders informed the members of the public that were present that he prepared a draft of the ordinance which was shared with the City Clerk. In the early part of the year the Governor signed legislation legalizing marijuana for adults 21. The State League of Municipalities is recommending, to relieve yourself from the time constraints from the 5-year lock in period, the adoption of a resolution to say that you are not going to move forward at this time to allow marijuana facility in your municipality. This will

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give you freedom of the time constraint. Councilman Sanders used the NJSLOM's resolution and amended it to reflect the City's interest in maintaining flexibility and making sure we have sufficient information before we take the next step. Councilman Sanders will put together a letter to send out to the companies who have expressed interest in working with the City so we don't discourage partners. Mayor Fahl: concerned for interstate mobility. Councilwoman Lambert asked if we had updated info about Pennsylvania's consideration of moving forward for legalizing marijuana? Councilman Sanders responded that he hasn't looked close at Pennsylvania. The resolution will be on the May 20, 2021 agenda for adoption.

**COVID-19 VACCINE CLINIC – Mayor Fahl**

Mayor Fahl announced that the City partnered with Penn Medicine, Fisherman's Mark, New Hope Celebrates and the Lambertville Public School to offer COVID-19 Vaccines tomorrow. The focus was on the Hispanic community, and those who take advantage of free and reduced lunch at the School and use the Delaware Valley Food Pantry. The clinic will be taking some walk-ins if folks are interested in the J&J Vaccine.

**ELIZABETHTOWN GAS REQUEST FOR MUSIC MOUNTAIN – Council President Taylor**

Council President Taylor informed the members of the Governing Body that this was [brought before](#) the Governing Body for discussion on the ability to waive the requirement of curb-to-curb paving for a utility company who is running new mains in an area that currently is not serviced by them.

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Councilman Sanders commented that he felt we should have a slightly broader scope and thought the City could benefit from expanding existing utility resources to include the water issue on Cottage Hill.

SUEZ: Mayor Fahl gave an update on the status of the public meeting with Suez. This is a result of an application [before the Planning](#) Board for a potential subdivision on Douglas Street. The City is working with Suez to put a community meeting together to discuss interest in public water. There was testimony at the meeting from residents about water anxiety. If there is interest there may be a significant cost savings if we are going to be opening up the roads and we should make sure they coordinate and have the work completed at the same time. It is unclear at this point if there is just opposition [to new](#) wells and no interest in a private company.

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Councilman Stegman pointed out that Cottage Hill currently does not have fire hydrants. Mayor Fahl commented that it will require community support. If community

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members are concerned about their wells and they are interested in moving towards a privatized water system, but if it is pure opposition, we can't as a community force a development to go towards a private system. We can only require residents to connect to a public water system, but since this [is a private](#) company and we have no jurisdiction and cannot require the members of the public to connect to it.

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**SPARKLE WEEK - Mayor Fahl**

Mayor Fahl commented that the Governing Body has had some conversation about Sparkle Week and the changes needed to address the bulk trash issue. At the last work session, members of Council Members were asked to reach out to the Mayor or City Clerk with additional recommendations. We didn't receive a response so we are in a holding place between two choices and they are: a general participation fee, or a public works sticker that requires a permit for bulk trash items as adopted at the on October 22, 2020 session of the Governing Body for items that are outside sparkle week.

Options include:

BULK PERMIT FEE to participate of \$150

Members of the public have expressed concern over the high cost of the fee to participate.

This method would be easier for employees to manage.

RESOLUTION NUMBER 12-2020 Establishing fees for 6 items

Substantiate the cost by [averaging](#) the numbers for the last two years and divide it by the tax base to establish a base number to compare to our fees.

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Discussion ensued. Consideration was given to the following:

1. Tonnage fees increased;
2. Review of the cost impact and cost analysis of providing Sparkle Week;
3. An increase was due to COVID Cleanout, people were home and they were anxious and bored and frazzled and cleaning closets;
4. Were people who were not residents bringing things here because they know we have sparkle week? Can we enforce it?
  - a. Illegal dumping is only enforceable if someone sees the person dumping;
5. We should enforce rules we have put in place.
6. Tonnage has increased each year and sparkle has been trending up for a significant period of time.

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7. Should we skip a year? If there are cost prohibitions, we should consider that. Cost prohibitive, people will circumvent, always the option that hasn't been discussed. Do we consider skipping it this year?
8. The program should be as cost neutral as possible.
9. Consideration needs to be given for staffing issues for Public Works and for the Clerk's Office;
10. Would it be helpful to know where we are with the budget first?
11. Not everything is on the Bulk Garbage Fee, so the City will need to define the program better.
12. Soft hidden cost when people don't pay for the permit but leave their garbage at the curb.
13. Communication to the public was discussed and is required.

The City Clerk will obtain the garbage numbers for the past two years and provide them to the members of the Governing Body for the next work session.

**ANNOUNCEMENTS**

Mayor Fahl read the announcements into the record.

**ELECTION NEWS:**

Election Dates:

- a. Primary election is scheduled for Tuesday, June 8, 2021
- b. General election is scheduled for Tuesday, November 2, 2021

Polling Information:

- c. Hours: The polls will open at 6 am and close at 8 pm
- d. Places:
  - i. Districts 1 and 2 will vote at the Phillip L. Pittore Justice Center located at 25 South Union Street in the city;
  - ii. Districts 3 and 4 will vote at the American Legion located at 320 North Union Street in the city.

**PUBLIC PARTICIPATION**

Hester Null suggested that the City consider a city-wide yard sale several weeks before Sparkle Week which will reduce the items going in the garbage. She also suggested that after the yard sale, the City consider placing dumpsters for people to place their items directly in the containers. Mayor Fahl will reach out to Jen Spreen to see if she is interested in managing the city-wide yard sale this year.

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Council President Taylor commented that she received one suggestion, the slight difference was to do a city-wide yard sale in one place and then have dumpsters there to take whatever is left. If people have bulk things, they could pay for it right then.

**ADJOURNMENT**

The meeting adjourned at 8:20 p.m. with a motion made by Councilman Sanders and seconded by Council President Taylor. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege, CMR, RMC, City Clerk

Note: The May 4, 2021 session minutes were approved at the May 20, 2021 voting session of the Governing Body.