

## **City of Estell Manor**

### **Code Adoption 2021**

#### **Schedule A**

#### **Specific Revisions at Time of Adoption of Code**

#### **Chapter 1, General Provisions.**

##### **Article I, Definitions and Word Usage.**

A. Section 1-2B is amended to read:

Wherever necessary or appropriate in this Code, one gender shall be deemed to include and mean either of the other two, and the singular number shall include the plural and vice versa.

B. Original Sec. 1-2C, regarding singular and plural use, is repealed.

C. In Original Sec. 1-3, the definitions for “chapter,” “section,” “subsection” and “paragraph” are repealed.

#### **Chapter 8, Boards, Committees and Commissions.**

##### **Article I, Planning Board.**

A. Section 8-2A(1) is amended as follows:

A. Class I: the Mayor or the Mayor's designee in the absence of the Mayor.

B. The first sentence of § 8-3 is amended to read:

The term of the member composing Class I shall correspond to the Mayor's official tenure or, if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure.

#### **Chapter 14, Claims, Payment of.**

A. Section 14-1 is amended to read:

No payment will be made unless duly authorized by the owner's authorized representative and accompanied by proper documentation. Vendor certification is required only for employee reimbursements, professional services, and goods and services provided exclusively and entirely by an individual (e.g., sole proprietor). The Chief Financial Officer shall have the duty to audit, warrant and make recommendations on all claims and bills.

B The first sentence of § 14-2 is amended as follows:

The bill or claim duly certified shall be presented to the City Clerk for inclusion in the agenda of the next formal meeting of the City Council ~~and it shall be the duty of the Clerk to examine all bills or claims submitted for payment in order to ascertain if proper administrative procedures have been followed.~~

C. Section 14-3 is amended to change "City Clerk" to "Chief Financial Officer."

D. Section 14-5 is amended as follows:

After the Clerk has certified that the claims have been approved, he shall turn them over to the ~~Treasurer or other~~ Chief Financial Officer, who shall forthwith prepare the necessary checks for payment. The checks shall be signed by the Mayor, City Clerk and ~~then signed by the Treasurer or other~~ Chief Financial Officer. (If the Mayor is not available, a member of Council, who is registered with the bank, may sign.) After preparing checks for ~~the~~ payment of claims, ~~he~~ the Chief Financial Officer or other staff person shall record ~~them in proper books of account~~ and then mail. ~~the checks to the claimants.~~

## **Chapter 22, Contracts.**

### **Article I, Award of Bids for Construction Projects.**

This article is amended to read:

#### **§ 22-1. Bidding and awarding of contracts.**

The bidding and awarding of contracts shall be governed by the applicable statutes and regulations of the State of New Jersey including, without limitation, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

## **Chapter 48, Fire Department.**

### **Article II, Length of Service Awards Program.**

Section 48-10B is amended to read:

The initial annual contribution shall be \$550. The governing body may from time to time amend the contribution amount to reflect cost of living increases authorized pursuant to N.J.A.C. 5:30-14.9.

## **Chapter 70, Officers and Employees.**

### **Article II, Clerk.**

Section 70-4 is amended to add Subsection G:

The Clerk shall also serve as the Registrar of Vital Statistics in accordance with N.J.S.A. 26:8-11c. The appointment shall be for a three-year term at such compensation as the governing body may set.

**Article XI, Chief Financial Officer.**

Section 70-23 is amended to change the term of office to four years.

**Chapter 77, Personnel Policies.**

**Article II, Political Fund-Raising.**

Section 77-8 is amended to read:

Violation of any provision of this article shall be punishable as provided in Chapter 1, Article II, General Penalty, of the Code of the City of Estell Manor.

**Chapter 110, Alarm Devices.**

**Article I, False Alarms.**

- A. Original Sec. 3-8.3, Charges for false alarms, is repealed.
- B. The first sentence of § 110-3 is replaced with the following:

*Violation of any provision of this article shall be punishable as provided in Chapter 1, Article II, General Penalty, of the Code of the City of Estell Manor.*

**Chapter 114, Alcoholic Beverages.**

**Article I, Licensing.**

Section 114-4B is amended to change 18 years to 21 years.

**Article II, Possession and Consumption by Minors on Private Property.**

Section 114-9A is amended as follows:

Nothing contained in this article is intended to prohibit, nor shall it be construed as prohibiting, an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

**Chapter 119, Animals.**

**Article I, Dogs.**

A. Section 119-1.

- (1) The following definitions are amended to read as shown:

DOG — Any dog or dog hybrid.

VICIOUS DOG — Any dog or dog hybrid declared vicious by a municipal court pursuant to N.J.S.A. 4:19-22.

- (2) The following definitions are amended as shown:

OWNER — When applied to the proprietorship of a dog, shall ~~mean and include every person having a right of property in such dog and every person who has such dog in his keeping~~ include every person having a right of property in that dog and every person who has that dog in his keeping, and when applied to the proprietorship of any other animal, including, but not limited to, a cat, shall include every person having a right of property in that animal and every person who has that animal in his keeping.

PET SHOP — ~~Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed~~ Any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

POUND — An establishment for the confinement of dogs or other animals seized either under the provisions of this article or otherwise.

SHELTER — Any establishment where dogs or other animals are received, housed and distributed ~~without charge~~.

- (3) The following definitions are added:

*ANIMAL CONTROL OFFICER -- A person designated by the New Jersey State Commissioner of Health pursuant to N.J.S.A. 4:19-15.16a as a Certified Animal Control Officer, or in the absence of such an officer, the person, agency or entity authorized by the City to carry out the duties of the Animal Control Officer.*

*POTENTIALLY DANGEROUS DOG -- Any dog or dog hybrid declared potentially dangerous by a municipal court pursuant to N.J.S.A. 4:19-23.*

- B. Section 119-2D is amended to read: "All licenses issued shall expire on December 31 of each year."

- C. Section 119-2 is amended to add Subsection E:

*Dogs used as guides for blind persons and commonly known as "Seeing Eye dogs," dogs used to assist handicapped persons and commonly known as "service dogs" or "aid dogs" and dogs used to assist deaf persons and commonly known as "hearing ear dogs" shall be licensed and registered as other dogs, except that the owner or keeper of such dog shall not be required to pay any fee therefor, pursuant to N.J.S.A. 4:19-15.3.*

- D. Section 119-3 is amended to read:

- A. The Animal Control Officer shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or offered for adoption, as provided in this section and in N.J.S.A. 4:19-15.16, the following:
- (1) Any dog off the premises of the owner or of the person keeping or harboring said dog which said Animal Control Officer or other appointed person has reason to believe is a stray dog.
  - (2) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar.
  - (3) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.
  - (4) Any dog or other animal which is suspected to be rabid.
  - (5) Any dog or other animal off the premises of the owner reported to, or observed by, a certified Animal Control Officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.
- B. If any animal so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring said animal is known, the Animal Control Officer or other person authorized by the City shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said animal, if known, a notice, in writing, stating that the animal has been seized and will be liable to be offered for adoption or destroyed if not claimed within seven days after the service of the notice.
- C. A notice under this section may be served either by delivering it to the person on whom it is to be served; or by leaving it at the person's usual or last known place of abode or at the address given on the collar; or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or the address given on the collar.

- D. Any person authorized by the City may cause an animal to be destroyed in a manner causing as little pain as possible and consistent with the provisions of N.J.S.A. 4:22-19 or offered for adoption seven days after seizure, provided that:
- (1) Notice is given as set forth above and the animal remains unclaimed;
  - (2) The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs, in such amount as provided in Chapter 185, Article III, Fees for City Services; or
  - (3) The owner or person keeping or harboring a dog which was licensed at the time of seizure does not produce a license and registration tag for the dog.
- E. Prohibited. Every person owning, harboring, keeping or having charge of any licensed or unlicensed male or female dog shall:
- (1) Prevent the dog from running-at-large upon any public highway, street, alley, park or other public place in the City at any time.
  - (2) Prevent the dog from being on any public highway, street, avenue, alley, park or other public place in the City at any time, unless such dog be accompanied by a person and be securely confined and controlled by an adequate leash not more than six feet in length.
  - (3) Prevent the dog from running-at-large in the City upon the lands or other real estate of any person without the consent of the owner of the lands or other real estate.
  - (4) Prevent the dog from injuring or damaging any vegetable garden, flower garden, lawn, plant, tree, shrubbery, grounds or other property of any person other than the person owning, harboring, keeping or having charge of such a dog.
  - (5) Prevent the dog from worrying, wounding, killing any sheep, lamb, domestic animal or poultry of any person other than the person owning, harboring, keeping or having charge of such a dog.
- E. Section 119-4 is amended to read:
- The provisions of Chapter 307 of the Laws of 1989 (N.J.S.A. 4:19-17 et seq.), regarding potentially dangerous dogs and vicious dogs, shall be applicable in the City of Estell Manor.
- F. Section 119-7 is amended to read:

- A. The provisions of this chapter and article shall be enforced by the Animal Control Officer, who shall be hired for a one-year term expiring on December 31 of the year of hiring. It shall be a violation of this chapter and article for any person to molest, obstruct or interfere with the Animal Control Officer in their performance of the duties set forth herein.
- B. The Animal Control Officer or such other person as the City may designate may, at the City's direction, make a canvass of all dogs owned, kept or harbored within the City limits and shall report to the City Clerk the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by each of said persons, and a complete description of each of said unlicensed dogs.
- G. Section 119-8 is amended to read:

Except as may be provided in N.J.S.A. 4:15-19.1 et seq., a violation of this article shall be punishable by the penalties as set forth in Chapter 1, General Provisions, Article II, General Penalty.

### **Article II, Deer Driving.**

Section 119-11 is added:

*§ 119-11. Enforcement.*

*This article will be enforced by the State Police.*

## **Chapter 142, Campgrounds.**

### **Article I, Private Campgrounds.**

- A. Original Sec. BH:3-2, Public record, is repealed.
- B. Section 142-2 is amended to delete the phrase "except under emergency circumstances where the Estell Manor Board of Health may be called upon to undertake such duties" from the last sentence thereof.
- C. Section 142-5B is amended to delete the last sentence thereof, regarding an application fee.
- D. Section 142-8 is amended to change "Private" to "Public." Said section is further amended to delete the specific penalty and instead state that violations are subject to the penalty in Chapter 1, Article II, General Penalty.

## **Chapter 185, Fees.**

### **Article I, Records.**

- A. Section 185-1 is amended to provide reproduction fees of: \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger.
- B. Original Sec. 2-22A.4.k, Dog license fee, is repealed.
- C. Original Sec. 2-22A.4.l, Plenary retail consumption liquor license fee, is repealed.

**Article II, Municipal Court Discovery Fees.**

Section 185-5 is amended to delete the per-page fees and instead provide reproduction fees of: \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger.

**Article III, Fees for City Services.**

This article is amended in its entirety to read:

***§ 185-7. Alcoholic beverages.***

*The annual license fees for the sale or distribution of alcoholic beverages in the City shall be as follows: (§ 114-3)*

***Class of License Annual License Fee***

*Plenary retail consumption license \$504*

*Plenary retail distribution license \$140*

*Club license \$70*

***§ 185-8. Animals.***

***Item Fee***

*Dog license, spayed/neutered (§ 119-2) \$10*

*Dog license, not spayed/neutered (§ 119-2) \$20*

*License late fee (§ 119-2) \$5*

*Impounded animal maintenance cost (§ 119-3) Not to exceed \$4 per day*

***§ 185-9. Campgrounds.***

*An annual license fee for a private campground shall be payable to the Clerk as follows: (§ 142-5)*

***Number of Campsites Fee***

*Up to 200 \$600*

*For each additional over 200 \$5 each*

**§ 185-10. Checks, returned.**

- A. *Service charge. Whenever a check payable to any account of the City of Estell Manor is returned for lack of sufficient funds, because the account was closed or for any other similar reason, a service charge of \$20 per transaction shall be charged to the payer or added to the account of the payer, in the discretion of the official receiving the payment. The service charge shall be paid and credited before any other payment on the account is accepted and credited.*
- B. *Unpaid charges to become lien. In the event that unpaid service charges assessed under this provision shall become delinquent and, when applicable, a lien against the property of the payer may be enforced in the same manner as other liens created by these ordinances.*
- C. *Cash payment required. Any payer whose returned checks become chronic, as determined by the Tax Collector or the Chief Financial Officer, may thereafter be required to make all payments due to the City of Estell Manor in cash or by certified or cashier's check.*

**§ 185-11. Property, abandoned and vacant.**

***Item Fee***

*Registration of abandoned property, annual fee (§ 289-5) \$300 per property*

*Administrative fee for cost of temporarily securing property (§ 289-11) \$500*

**§ 185-12. Soil removal.**

*License fee: \$600. (§ 315-5)*

**§ 185-13. Streets and sidewalks.**

- A. *Street opening permit fee: \$125. (§ 336-6)*
- B. *Street construction and paving. (§ 336-15)*
  - (1) *Application filing fee: \$125.*
  - (2) *Inspection fee equal to 5% of the Engineer's estimate of costs to be billed by municipal professionals for the review of design and inspections of improvements related to the project.*

**§ 185-14. Subdivision of land.**

*Schedule of fees and deposits:*

***Escrow Fees***

***Type Application Fees Attorney Engineer***

*Minor subdivision: \$150 \$500 \$750*

*Major subdivision<sup>1</sup>*

*Preliminary \$400 plus \$25/lot \$1,500 \$4,000*

*Final \$400 plus \$25/lot \$500 \$500*

*Tax Map revision \$150 per each new lot  
created*

*Site plan (minor) \$400 \$500 \$1,500*

*Site plan (major)*

*Commercial \$500 \$750 \$3,000*

*Residential \$500 \$500 \$4,000*

*Hardship variance \$300 \$650 \$500*

*Use variance \$400 \$750 \$1,000*

*Conditional use permit \$300 \$500 \$500*

*Appeals and interpretations \$300 \$500 \$500*

*Rehearings \$100 \$500<sup>2</sup> \$500<sup>2</sup>*

*Informal review \$150<sup>3</sup> \$100 \$100*

**NOTES:**

<sup>1</sup> *This application is subject to the Tax Map revision fees, which are refunded should the application be denied. A separate check is required.*

<sup>2</sup> *Escrow fees are refunded if request for rehearing is denied.*

<sup>3</sup> *Credit toward application fee for formal review pursuant to N.J.S.A. 40:55D-10.1.*

**§ 185-15. Zoning.**

**Item Fee**

*Code book - available online N/A*

*Land use section - available online N/A*

*Code supplement - available online N/A*

*Preliminary review by Historic Preservation Commission \$50*

*Zoning permit application, primary structure (§ 380-72) \$50*

*Zoning permit application, secondary structure (§ 380-20) \$20*

*Construction trailer, six-month period (§ 380-34) \$50*

*Flood plan certification \$75*

*Certificate of occupancy \$50*

*Pinelands development certificate (§ 380-36) \$25 each*

*Pinelands development certificate - registration outside City (§ 380-36) \$25 each*

*Registering Pinelands development credits from premises within the City for use on lands located outside the City (§ 380-36) \$25 each*

*Sign permit (§ 380-38) \$25*

*Additional, per square foot of sign relating to business or commercial uses \$5*

*Certificate of occupancy for resale or rerelease with smoke detector certificate (§ 380-72) \$50*

*Second or more reinspection for certificate of occupancy (§ 380-72) \$30 per unit*

*Certificate of compliance (§ 380-73) \$50*

*Certificate of compliance, each subsequent visit (§ 380-73) \$50*

*List of adjacent property owners for notification purposes (§ 380-74) \$10 (flat fee in all cases)*

*Renewal of zoning variance (§ 380-75) \$25*

***§ 185-16. Municipal Clerk's fees for services and documents.***

*The Municipal Clerk is authorized to charge the following for services and documents provided by the Municipal Clerk's office:*

- A. Certified copy of birth certificate: \$4 (\$2 additional copy).*
- B. Certified copy of marriage certificate and/or certified copy of civil union certificate: \$4 (\$2 additional copy).*
- C. Certified copy of death certificate: \$4 (\$2 additional copy).*
- D. Additional fees.*

***Item Fee***

*Certified copies \$15*

*Additional certified copies \$5*

*Meeting audio recording \*OPRA*

*Club license \$70*

*Photocopies \$0.25*

*Additional photocopies \$0.25*

*Fax outgoing \$1*

*Fax incoming \$1 first page; \$0.25 each additional*

*page*

***§ 185-17. Municipal Tax Collector's fees for services and documents.***

*The Municipal Tax Collector is authorized to charge the following for copying documents and rendering services:*

- A. Duplicate tax bill: \$5.*
- B. Subsequent duplicate copy of the same tax bill requested in the same tax year: \$25.*
- C. Tax search: \$10.*
- D. Municipal assessment search: \$10.*
- E. Municipal utilities search: \$10.*
- F. Fax fee: \$1.*

**Chapter 194, Fire Prevention.**

This chapter is amended to read:

§ 194-1. Applicable codes; enforcement.

The New Jersey Fire Safety Act (N.J.S.A. 52:27D-192 et seq.) and the regulations of the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1, et seq.) are applicable in the City of Estell Manor and shall be locally enforced by the New Jersey Department of Community Affairs.

**Chapter 200, Flood Damage Prevention.**

- A. Section 200-8 is amended to delete the specific penalty and instead refer to Chapter 1, General Provisions, Art. II, General Penalty.*
- B. Said section is further amended to change "shall constitute a misdemeanor" to "shall constitute a violation."*

## **Chapter 207, Games of Chance.**

### **Article I, Raffles.**

Section 207-1 is amended to read:

The governing body authorizes and delegates the authority to issue raffle licenses to the City Clerk. The City Clerk shall investigate applications and issue licenses in accordance with the "Raffles Licensing Act," N.J.S.A. 5:8-50 et seq., and the regulations in Title 13, Chapter 47, of the New Jersey Administrative Code.

## **Chapter 212, Garage Sales.**

A. In § 212-1, the definition of "person" is amended to read as follows:

PERSON -- Includes individuals, partnerships, voluntary associations and corporations listed as owner(s) of a lot shown on the Official Tax Map of the City of Estell Manor.

B. Section 212-2 is amended to read as follows:

§ 212-2. Garage sales; limitations.

It shall be unlawful for any person to conduct a garage sale in the City of Estell Manor more than three days per week and four times within a twelve-month period, for each lot shown on the Official Tax Map of the City of Estell Manor; or otherwise in violation of any other local, state or federal law.

C. Section 212-3C is amended to read:

C. The owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale activity. No such person shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads.

D. Section 212-5B is amended to read:

B. Any person conducting any such sale or similar activity who shall violate any of the terms and regulations of this chapter shall, upon conviction, be liable for the penalties set forth in Chapter 1, Article II of this Code.

## **Chapter 234, Housing.**

### **Article I, Housing Standards and Unfit Buildings.**

A. Section 234-5 is amended to read:

Whenever a petition is filed with the Housing Officer by a public authority or by at least five residents of the municipality charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the Housing Officer (on his own motion) that any building is unfit for human habitation or occupancy or use, the Housing Officer 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 Housing Officer (or his designated agent) at a place therein fixed not less than 7 days nor more than 30 days after the serving of said complaint. 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. The rules of evidence prevailing in the courts shall not be controlling in hearings before the Housing Officer.

B. Section 234-6E(2) is amended to read:

The cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or 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 designated 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 City 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 designated 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. If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the designated 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. Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this act intended to limit the authority of the enforcing agency or construction official under the State Uniform Construction

Code Act, P.L.1975, c. 217 (N.J.S.A. 52:27D-119 et seq.) or any rules or regulations adopted thereunder.

- C. Section 234-7 is amended to change “once each week for two successive weeks in a newspaper printed and published in the County of Atlantic” to “once in a newspaper printed and published in the County of Atlantic.”
- D. Section 234-13 is amended to delete the specific penalty and instead state that violations are subject to the penalty in Chapter 1, Article II, General Penalty.

### **Chapter 249, Littering.**

Section 249-18 is added:

*§ 249-18. Violations and penalties.*

*Penalties for violations on a roadway will be determined by the authority having jurisdiction over the roadway. Penalties for violations of local ordinances will be governed by Chapter 1, Article II, of this Code.*

### **Chapter 268, Numbering of Property.**

- A. Section 268-4 is amended to read:

Each owner or occupant shall, within 30 days after receiving each number, cause the number to be placed in a conspicuous place upon such house (if clearly visible and within 50 feet of the street) or at the driveway entrance in a permanent and durable manner. Each number shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm) in compliance with the requirements of Section 304.3 of the Property Maintenance Code, as adopted by Chapter 292 of the Code of the City of Estell Manor.

- B. Section 268-5 is amended to delete the specific penalty and instead state that violations are subject to the penalty in Chapter 1, Article II, General Penalty.

### **Chapter 280, Parks, Playgrounds and Recreation Areas.**

Section 280-6 is amended to delete the specific penalty and instead state that violations are subject to the penalty in Chapter 1, Article II, General Penalty.

### **Chapter 285, Peddling and Soliciting.**

#### **Article I, Peddlers, Hawkers, Canvassers and Vendors.**

This article is amended to read:

**§ 285-1. Authorization.**

Persons are authorized to engage in the business of an itinerant vendor, peddler, hawker, solicitor or canvasser, as those terms are defined in § 285-2, subject to compliance with the regulations set forth in § 285-5.

**§ 285-2. Definitions.**

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

**ITINERANT VENDOR** — A person in the business of selling personal property or services who conducts his business from a fixed location but who does not intend to continue in business within the City permanently. A proprietor of a business which is seasonal in nature who suspends business during the off-season shall not for that reason alone be considered an "itinerant vendor."

**NONPROFIT ORGANIZATION** —

- A. Any organization tax exempt under Section 501(c)(3) of the Internal Revenue Code;
- B. Any organization created under or otherwise subject to the provisions of Title 15A of the New Jersey Statutes;
- C. Any organization, whether or not qualified under Section 501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes, whose primary purpose is to benefit the school-age children of the City of Estell Manor;
- D. Any organization whose primary purpose is to advocate for religious or political causes, whether or not qualified under Section 501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes; or
- E. Any Police Department and any volunteer fire or first aid company that is located in, has a substantial membership from or serves the City.

**PEDDLER or HAWKER** — A person who sells or delivers tangible goods, services or commodities from house to house, store to store, place to place or on the streets or in any public place, whether on foot or in a vehicle, whose sales are not made from one established spot, except where they are made in a street or public place, and who makes delivery at the time of his sale.

**PERSON** — An individual, firm, partnership, corporation (either profit or nonprofit), voluntary association, incorporated association, unincorporated association, society, club, trust or other similar entity or a trustee, principal or agent thereof.

**SOLICITOR or CANVASSER** — A person who goes from house to house or from place to place selling merchandise by sample or by taking orders for future delivery, with or without accepting advance payments for the goods and regardless of whether advance solicitation is made by mail, telephone or personal contact. The provisions of this definition shall apply to the person who comes in personal contact with the buyer, whether he obtains the order, delivers the goods or accepts money in payment for them. "Solicitor" also means any person who goes from house to house or from place to place for the purpose of obtaining alms, contributions or subscriptions, or who does research analyses, makes surveys or opinion polls or obtains rating data or similar information, or who engages in any similar work which involves a door-to-door or place-to-place activity.

**§ 285-3. Nonsolicitation sticker.**

Notwithstanding any provisions to the contrary herein, any resident may choose to bar all canvassing and soliciting at their residence, which shall be communicated through the placement of a sticker or sign on the premises at a place visible to the public, stating that canvassing or soliciting at that premises is not permitted. B. Any person that canvasses or solicits a resident that has a sticker or sign on display shall be in violation of this article.

**§ 285-4. Exceptions.**

Activities of the following described persons are deemed not to constitute the business of vending, peddling, hawking, soliciting or canvassing, provided that the person must comply with the specific requirements of this § 285-4 and the regulations of § 285-5:

- A. Any nonprofit organization as defined in § 285-2 of this article, provided that the means of identification assigned by such organization, if any, is carried by the peddler, solicitor or transient merchant. If no means of identification is assigned by such organization, the peddler, solicitor or transient merchant shall be required to carry a bona fide means of identification, including, but not limited to, a valid driver's license or other government-issued identification.
- B. Any person intending to distribute noncommercial or not-for-profit handbills, pamphlets, leaflets, circulars, advertisements or printed material.
- C. Any person:
  - (1) Campaigning for any elected public office or public question, which is to be voted upon in the City at a general election; special, primary or school board election; or in a national or state election;

- (2) Distributing handbills, pamphlets, leaflets, circulars, advertisements or printed material with respect thereto; or
  - (3) Otherwise engaging in political speech.
- D. Any person engaging in advocacy of noncommercial or not-for-profit causes, whether or not in connection with a larger organization, or engaging in spontaneous speech, including, but not limited, to speech between neighbors.
- E. Any person honorably discharged from the military of the United States as defined by N.J.S.A. 45:24-9 and N.J.S.A. 45:24-10, possessing corresponding identification in conformity with said statute.
- F. Any person holding a solicitation license or permit issued under any legislation of the United States government or by any state agency pursuant to statute.
- G. Federal census takers, or those taking other polls or surveys pursuant to federal, state or local laws.
- H. Any person engaged in delivering goods, products or wares or other articles or things in the regular course of business to the premises of the person ordering or entitled to receive the same.

#### **§ 285-5. Regulations.**

The following regulations shall apply to all activities conducted pursuant to §§ 285-1 and 285-4:

- A. No person or vehicle shall stand or be parked for the purpose of display or selling goods, products or services on any public or private property within a distance of 200 feet from the nearest public, private or parochial school in the City of Estell Manor during school hours. "School hours" shall mean any time during which school may be in session.
- B. No person shall sell or attempt to sell in accordance with the terms of this article before 9:00 a.m. or after 8:00 p.m. prevailing time. The aforesaid time limitation shall not apply to persons who are expressly invited into homes by the occupants thereof.
- C. No person shall park his vehicle for a period of time longer than necessary.
- D. No person or vehicle shall stand or be parked in a fixed location for the purpose of displaying or selling goods, products or services on any public or private property where to do so is likely to cause a crowd, impede

vehicular or pedestrian traffic or produce annoying sounds, voices or disturbances which interfere with the comfort of residents.

- E. No person shall strew or litter or cause to be strewn or littered the public streets and highways with refuse or waste matter of any kind or to in anywise interfere with the comfort or convenience of the residents or business of the occupants or owners of adjacent property.
- F. All circulars, samples or other matter shall be handed to an occupant of the property and not left on or about the same.
- G. No person shall enter or attempt to enter the house of any resident in the City without an express invitation from the occupant of the house.
- H. No person shall conduct themselves in such manner as to become objectionable to or annoy an occupant of any house.
- I. No person shall enter upon any public property, including City parks, for the purpose of peddling or soliciting without express written consent of the City.

#### **§ 285-6. Violations and penalties.**

Any violations of this article shall be subject to the general penalty provision of Chapter 1, Article II, General Penalty, of the Code of the City of Estell Manor.

### **Chapter 292, Property Maintenance.**

- A. Section 292-2 is amended as follows:

Nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed ~~as cited in Section 3 of this law~~; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

- B. Section 292-3 is amended to delete the last two sentences thereof.

### **Chapter 315, Soil Removal.**

- A. Section 315-5 is amended to read:

Licenses for excavating, digging or mining of topsoil, sand or gravel in the City for commercial purposes shall have a two-year term effective on June 1 of the year of issuance. The license fee shall be as provided in Chapter 185, Fees, Article III, Fees, for City Services, payable in advance.

B. Section 315-11 is added:

*§ 315-11. Violations and penalties.*

*Any violations of this chapter shall be subject to the general penalty provision of Chapter 1, Article II, General Penalty, of the Code of the City of Estell Manor.*

**Chapter 321, Solid Waste.**

**Article I, Recycling.**

A. Section 321-2.

(1) The following definitions are added:

*BULKY WASTE — Furniture, wood waste, textiles and carpet.*

*CONSTRUCTION DEBRIS — Any scrap lumber, metal, earth, bricks, stone, plaster, roofing and siding material, and other debris of a similar nature which accumulates and is incidental to the construction or renovation of homes, buildings, public works or other projects.*

*GARBAGE — Any animal or vegetable waste solids resulting from the handling, preparation, cooking or consumption of foods, but not including human wastes.*

*HAZARDOUS WASTE — All waste which is deemed to be chemical waste, hazardous waste, or infectious waste, as defined by N.J.A.C. 7:26-1.4, and which shall include, but not be limited to, wastes which are flammable, corrosive or explosive or which by themselves or in combination with other waste would be hazardous to life or property.*

*NONRESIDENTIAL USER — Any type of commercial, industrial or business establishment, conducting a business, whether for pecuniary profit or not for pecuniary profit, and any apartment house, hotel, country club, or dwelling house having more than four dwelling units.*

*SOLID WASTE COLLECTION CONTRACTOR — A person or firm for hire, properly licensed in the State of New Jersey, for the purpose of collection of solid waste and solid waste materials.*

*TRADE WASTE — All material resulting from the prosecution of any business, trade, or industry, whether or not conducted for profit, and shall include paper, rags, leather, rubber, cartons, boxes, wood, sawdust, garbage, combustible and noncombustible solids except manure, metals, metal shavings, wire, tin cans, cinders, and other materials exclusive of wastes resulting from building construction or alteration work.*

*WASTE MATERIAL — Includes any and all garbage, refuse papers, ashes and waste from building construction or alteration work, regardless of how originating, and shall also include cellar and yard dirt.*

- (2) The following definition is amended to read as shown:

PAPER — Newsprint and other forms of paper and paper products, such as magazines, telephone books, catalogs, white office paper, computer paper, etc., excluding those soiled (i.e., containing carbon, adhesive or plastic) or unfit due to health and/or sanitary reasons. Newspapers shall also be deemed soiled if they have been exposed to substances rendering them unusable for recycling.

- B. Section 321-3 is amended to read:

There is hereby established a mandatory program for the separation of recyclable materials from the municipal solid waste stream by all persons within the City of Estell Manor, hereinafter referred to as the "municipality," according to the guidelines published by the Atlantic County Utilities Authority (ACUA).

- C. Section 321-4 is amended to read:

All the materials accepted for recycling shall be separated from solid waste in accordance with the rules and regulations for same promulgated, from time to time, by the designated municipal waste hauler or, in default thereof, by the ACUA which may require delivery to a designated collection site outside of the City of Estell Manor when provision is not made for the curbside collection of the same. General placement for curbside collection shall otherwise conform to the requirements of § 321-5 below.

- D. Section 321-5A is amended as follows:

The owner/manager or association of every multifamily dwelling (apartment, townhouse or condominium) shall designate space for the placement and storage of ~~newspaper, glass, aluminum, plastic and all other recycled~~ recyclable materials. The owner/manager or association also has the option of arranging for curbside pickup service from the ~~Atlantic County Utilities Authority (A.C.U.A.)~~. All lessees/owners of these dwelling units shall be required to separate items as mentioned in § 321-3 and place them in a designated place.

- E. Original Sec. 16-1.7, Leaves, is repealed.

- F. Section 321-10A is amended to change "Municipal Council" to "City Council" and the statutory reference "N.J.S.A. 13:1E-99.13b" is updated to read as "N.J.S.A. 13:1E-99.16."

- G. Section 321-11A and C is amended to delete the specific penalty (including the minimum penalty) and instead state that violations are subject to the penalty in Chapter 1, General Provisions, Article II, General Penalty.

#### **Article II, Storage and Collection of Solid Waste.**

- A. Section 321-14 is amended to change "60 pounds" to "49 pounds" in the third sentence thereof.

- B. Section 321-15 is amended as follows:

All receptacles for solid waste materials shall be placed by the occupant near the curblineline so as to be easily collected from the roadway, but not so near the curb or roadway as to project therein or as to interfere with vehicles lawfully using said street or roadway. All receptacles shall be placed for collection just prior to the regular collection time so as not to remain near the curblineline for a longer period of time than is necessary to permit the collection thereof, and empty receptacles or containers shall be removed immediately following the collection of the solid waste. ~~No more than four~~ The number of receptacles per residential dwelling unit, campground or commercial property that may be placed for collection at one time is determined by the contract with the solid waste contractor.

- C. Section 321-19 is amended to delete the specific penalty and instead state that violations are subject to the penalty in Chapter 1, General Provisions, Article II, General Penalty.

#### **Chapter 336, Streets and Sidewalks.**

##### **Article I, Excavations.**

- A. Section 336-7A is amended to replace the first sentence thereof with the following:

At the discretion of the City Engineer, a bond may be required.

- B. Section 336-7 is amended to add Subsection A(4):

To cover 100% of the repair or replacement of the road if needed.

- C. Section 336-11 is amended to read:

A. The applicant to whom such permit is issued shall, within the time limited in such permit, replace the earth and pavement in the excavation in such manner as proscribed herein and the same shall be left in as good condition as it was before the excavation was commenced. Except as otherwise herein stated, all street work performed shall be in accordance with the applicable provisions of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction,

2007, and as amended. Reference to articles or sections hereinafter refer to said state highway specifications.

- (1) Trenches shall be backfilled in layers not to exceed six inches and a vibratory tamper must be used. Compaction of 95% shall be required. Puddling of backfill is strictly prohibited. Should there be a deficiency, additional backfill material shall be supplied by the permittee. Whenever the City Engineer shall deem the material unsatisfactory for backfill, the permittee shall provide acceptable material for the backfill.
- B. Roadways with a concrete base shall be restored using a combination of concrete and asphalt. The amount of concrete and asphalt to be used at each such excavation shall be as directed by the City Engineer. (See detail at end of chapter.)
- C. Bituminous concrete street restoration specifications.
- (1) Gravel. Gravel shall be installed six inches thick. The gravel shall consist of compact soil aggregate Type I-5. The use of a recycled asphalt product (RAP) or recycled concrete product may be substituted for the soil aggregate as long as it meets the New Jersey Department of Transportation (NJDOT) requirements for I-5 materials. The City Engineer may, at his discretion, submit samples of the soil aggregate for a gradation analysis, with the costs of said analysis borne by the applicant.
  - (2) Temporary roadway restoration.
    - (a) Less than 100 square feet.
      - [1] For openings in asphalt roadways that are less than 100 square feet, the temporary restoration will consist of the installation of six inches of soil aggregate, Type I-5, to a level of six inches below the level of adjacent paved surfaces. A four-inch lift of stabilized base course, Mix I-2, followed by a two-inch lift of a bituminous concrete cold patch, shall be installed to grade.
      - [2] These temporary surfaces shall be in place for a period of not less than 45 days to allow sufficient settlement to occur. Should settlement continue to occur, the City Engineer shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance

deemed necessary by the City Engineer until such time as the final restoration is completed.

(b) Greater than 100 square feet.

[1] For openings in asphalt roadways that are greater than 100 square feet, the temporary restoration will consist of the installation of six inches of soil aggregate, Type I-5, to a level six inches below the level of the adjacent paved surfaces. A six-inch lift of stabilized base course, Mix I-2, shall then be installed to grade.

[2] These temporary surfaces shall be left in place for a period of not less than 45 days to allow sufficient settlement to occur. Should settlement continue to occur, the City Engineer shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance deemed necessary by the City Engineer until such time as the final restoration is completed.

(3) Final roadway restoration

(a) Newly paved streets.

[1] The restoration will consist of six-inch dense graded aggregate base course, and a six-inch bituminous stabilized base course, Mix I-2, brought to existing grade, within the excavated area. A full width, curb to curb, milling two inches in depth to extend 20 feet beyond the limit of excavations will be performed after proper settlement in the trench area. The allowable time for the settlement shall be 45 days unless otherwise directed by the City Engineer. The final surface course shall be a two-inch bituminous concrete surface course, Mix I-5.

[2] Trench restoration may be permitted under special circumstances and at the option of the City Engineer for openings having a minimum impact on the longevity and serviceability of the street in question.

(b) Streets paved between five and eight years prior to proposed opening.

[1] Any street opening on a street that has been constructed, reconstructed, or overlaid between five

years and eight years after the completion of said construction, reconstruction, or overlay will require a half-width paving from the center line to the curb on the side affected by the opening. The trench shall be repaved with six inches of gravel or similar subbase, four-inch stabilized base (HMA19M64) to the surface. The half width of the street shall then be milled 1 1/2 inches deep from the center line to the curbline a distance of 20 feet on either side of the opening edges. A one-and-one-half-inch surface course (HMA9.5M64) shall be machine-placed and rolled as per New Jersey Department of Transportation Standard Specifications for Roads and Bridges, 2007, and as amended.

[2] At the opening crosses over the center line of the street, the above street repair shall be full-width restoration.

(c) Streets paved over eight years prior to proposed opening.

[1] Where 20% or more of the existing surface width and/or a distance parallel or longitudinal to the roadway center line of 25 feet or more has been disturbed, the permittee shall mill the entire pavement surface from edge to edge or curb to curb and the full length of the trench plus five feet each side at a minimum depth of two inches. All milling and disposal of millings shall be done in accordance with Division 400 of the NJDOT Standard Specifications. The permittee shall clean and sweep the milled surface and apply tack coat in preparation for immediate paving. The area will then be paved with two inches of HMA 9.5M64 surface course in accordance with Division 400 of the NJDOT Standard Specifications. The City will require that the terminal ends of the paving be keyed and cut vertical to provide a smooth transition to the existing asphalt surface. Feathering will not be allowed.

[2] Where less than 20% of the existing surface and a distance parallel or longitudinal to the roadway center line of less than 25 feet has been disturbed, the permittee shall saw-cut the existing surface course two inches deep at a location 12 inches beyond the trench surface, and remove the existing pavement to the same depth. Pavement removal shall be done by milling or another method as approved by the City Engineer. The permittee shall clean and sweep the milled surface and apply tack coat in preparation for immediate

paving. The area will then be paved with two inches of HMA 9.5M64 surface course in accordance with Division 400 of the NJDOT Standard Specifications. The City will require that the terminal ends of the paving be keyed and cut vertical to provide a smooth transition to the existing asphalt surface. Feathering will not be allowed.

- (d) Calculating age of street.
  - [1] The five-year period as articulated herein shall be calculated from December 31 of the year in which said road was constructed, reconstructed or overlaid and run five years thereafter. The end date of this five-year period is the beginning date of the five-year to eight-year period articulated herein.
  - [2] The eight-year period as articulated herein shall be calculated from December 31 of the year in which said road was constructed, reconstructed or overlaid and run eight years thereafter. The end date of this eight-year period is the end date of the five-year to eight-year period articulated herein.
- (e) No surface water shall be entrapped or ponded on the resurfaced areas. If any ponding occurs, the permittee will be responsible for performing whatever remedial action is required by the City Engineer.
- (4) If more than one excavation would be required within a fifty-foot length, a single trench must be used rather than the individual excavations. Final restoration will require the entire pavement surface from edge to edge or curb to curb and the full length of the trench plus five feet each side at a minimum depth of two inches. All edges shall be coated with an asphaltic tack coat prior to a two-inch lift of bituminous concrete surface course, Mix I-5, being placed to a level even with the existing road grade.
- (5) In all cases where concrete has to be removed prior to any excavation, saw-cut methods of removal shall be used. The restoration of the concrete shall be according to the following specifications:
  - (a) It shall be Class B with a design strength of 4,000 pounds per square inch (psi).

- (b) It shall have a minimum thickness of not less than four inches for sidewalk, six inches for driveway aprons and eight inches for gutter.
- (c) It shall have a minimum width of not less than five feet for sidewalks.
- (d) It shall have control joints not more than five feet for sidewalk, 10 feet for curb and gutter and expansion joints and not more than 20 feet for sidewalk, curb and gutter.

D. By acceptance of such a permit, the applicant shall be deemed to have agreed to comply with the terms hereof and, upon his failure to do so, pay on demand any cost or expense that the City may incur by reason of any shrinkage or settlement in the excavated area resulting from such excavation if such shrinkage or settlement shall occur within three months from the time the surface thereof is restored.

D. Section 336-13 is amended to change "Road Committee" to "Public Works Committee."

**Article III, Obstruction of Rights-of-Way.**

Section 336-21 is amended to substitute the following for the second sentence thereof:

*Violation of any provision of this article shall be punishable as provided in Chapter 1, Article II, General Penalty, of the Code of the City of Estell Manor.*

**Chapter 340, Subdivision of Land.**

- A. Section 340-5 is amended to delete the definition of "Pinelands Development Review Board."
- B. Section 340-9A is amended to change "Subsection 9-4.13a" to "the definition of 'minor subdivision' in § 340-5."
- C. Section 340-10A(1) is amended to change two instances of "12" to "18."
- D. Section 340-10A(3) is amended as follows:

. . . the applicant shall, in addition to following the other procedures set forth in this section, comply with all requirements set forth in ~~Subsection 10-6.6i of the Revised Ordinances of the City of Estell Manor § 380-20, Historic preservation,~~ as heretofore or hereafter amended, ~~entitled "Procedure for Review of Plans Affecting Historic Landmarks,"~~ including the payment of the fees set forth in said section, . . .

E. Section 340-10A(5) is amended to read:

Upon the submission to the administrative officer of a completed application for a subdivision of between five and 10 lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a completed application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer.

F. Section 340-10B(5) and (6) is amended to delete the phrase “and until the approval takes effect pursuant to Subsection 9-5.3c of this chapter.”

G. Section 340-13A(3) is amended to change “N.J.S.A. 46:23-9.4” to read “N.J.S.A. 46:26B-2 and 46:26B-3.”

H. Section 340-13F is amended to delete the reference to N.J.S.A. 13:19-7.

I. Original Sec. 9-6d, regarding ancillary powers, is repealed.

J. Section 340-21 is amended to read:

§ 340-22. Violations and penalties.

A. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by ordinance pursuant to this chapter, such person shall be subject to a penalty not to exceed \$1,000, and each lot disposition so made may be deemed a separate violation.

B. In addition to the foregoing, the City may institute and maintain a civil action:

(1) For injunctive relief; and

(2) To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56 but only if the municipality has a planning board and has adopted by ordinance standards and procedures in accordance with N.J.S.A. 40:55D-38.

C. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his assigns or

successors, to secure the return of any deposits made or purchase price paid, and also, a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded.

**Chapter 357, Trees.**

**Article I, Cutting and Removal of Trees.**

A. Section 357-1 is amended as follows:

It shall be unlawful for any person to cut, remove, destroy or damage any trees, logs or other timber, whether living or dead, from or upon the land of another without the express permission of the owner thereof; nor shall any owner of land or his agent cut the trees thereon without ~~first obtaining a license therefor,~~ completing the requirements as provided in Article II, Tree Cutting and Forestry, of this chapter. This provision shall not apply to the cutting of trees by the owner thereof for his personal household use, and provided that they are not offered for sale or other commercial use.

B. Original Sec. 3-5.2, Separate violations, is repealed.

C. Section 357-2 is amended to read:

Any violations of this article shall be subject to the general penalty provision of Chapter 1, Article II, General Penalty, of the Code of the City of Estell Manor.

**Article II, Tree Cutting and Forestry.**

This article is amended in its entirety to read as follows:

**§ 357-3. Purpose.**

*The governing body of Estell Manor does herein declare that the woodlands are an important cultural, ecological, scenic and economic resource; that proper management of this resource will ensure its maintenance for all forest benefits, including, but not limited to, watershed protection, wildlife habitat, recreation and aesthetics; and that such management may, at the same time, provide greater economic returns for timber harvesting.*

**§ 357-4. Definitions.**

*For purposes of this article, the terms herein shall be defined as follows:*

*FORESTRY — The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices,*

*including but not limited to artificial regeneration, bedding, broadcast scarification, clear-cutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this article, the following activities shall not be defined as forestry:*

- A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed.*
- B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees.*
- C. Removal of trees necessitated by the development of a parcel as otherwise authorized by Chapter 380, Zoning, of the Code of the City of Estell Manor.*
- D. Removal of trees necessary for the maintenance of utility or public rights-of-way.*
- E. Removal or planting of trees for the personal use of the parcel owner.*
- F. Removal of trees for public safety.*

**§ 357-5. Permitted activities.**

*The following activities are permitted:*

- A. Normal and customary forestry practices on residentially improved parcels of land that are five acres or less in size.*
- B. Tree harvesting, provided that no more than one cord of wood per five acres of land is harvested in any one year and that no more than five cords of wood are harvested from the entire parcel in any one year.*
- C. Tree planting, provided that the area to be planted does not exceed five acres in any one year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted.*
- D. Forest stand improvement designated to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five acres in any one year.*
- E. Prescribed burning and the clearing and maintaining of fire breaks.*

**§ 357-6. Forestry standards.**

*Forestry in the Pinelands Area shall be carried out in accordance with the standards set forth in N.J.A.C. 7:50-6.46.*

- A. *All forestry activities shall serve to maintain Pinelands native forest types, including those which are locally characteristic, except in those stands where other forest types exist.*
- B. *Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site.*

**§ 357-7. Forestry application procedure.**

- A. *A complete wood cutting and Forestry Management Plan must be submitted to the New Jersey Division of Forest Management, 5555 Atlantic Ave, Mays Landing, NJ 08330. All procedures shall be followed accordingly.*
- B. *Required Documentation to the City of Estell Manor, City Clerk:*
  - (1) *The landowner must provide a letter from the NJ Division of Forest Management to the City Clerk, indicating that all requirements have been met and that forestry activities on the owner's parcel of land are enrolled in the NJ Forest Stewardship Program. This document shall serve as evidence of the completion of an application and approval the NJ Division of Forest Management and the NJ Pinelands Commission as well as evidence that the activities are consistent with the standards of the Comprehensive Forestry Management Plan.*
  - (2) *The owner of a parcel of land over five acres not applying for Farmland Assessment but engaging in forestry activities is required to submit an application to the NJ Division of Forest Management that can be prepared either by themselves or a Consulting Forester. The application must also indicate compliance with the NJ Pinelands Commission Regulations and the NJ Freshwater Wetlands Protection Act, which regulates forestry activities conducted within forested wetlands and transitional areas. If meeting the requirements, the application will be forwarded by the Division of Forest Management to the Pinelands Commission for approval. The notice of approval will serve as the required documentation.*

**1. Editor's Note: The following provisions are pursuant to N.J.A.C. 18:15-2.7 et seq.**

**§ 357-8. Additional conditions as required.1**

- A. *Additional conditions to be fulfilled by an owner of woodland that is devoted exclusively to the production for sale of trees and forest products other than Christmas trees and that is not appurtenant woodland:*
- (1) *The owner of land that is devoted exclusively to the production for sale of trees and forest products, other than Christmas trees, and that is not appurtenant woodland shall annually submit to the assessor, in addition to a completed and timely filed application for farmland assessment (Form FA-1) and gross sales verification form (Form FA-1 G.S.), the following information:*
- (a) *A copy of the current woodland management plan for the landowner's woodlands prepared in accordance with the criteria set forth at N.J.A.C. 18:15-2.10. Unless the assessor requests such re-submission, re-submission of the current plan is not required if the plan was previously submitted to the assessor and the owner indicates on Form WD-1 that there is no change in the plan as initially submitted or, if applicable, when it was most recently revised and resubmitted. However, any new plan or amended plan not yet on file with the assessor must be submitted.*
- (b) *A completed woodland data form (Form WD-1), as prescribed by the Director of the Division of Taxation. The information provided on such form must apply to the entire pre-tax year and include the following:*
- [1] *A description of all woodland management activities and practices carried out or to be carried out;*
- [2] *A statement as to the type and quantity of tree and forest products sold or to be sold;*
- [3] *The amount of income received and an estimate of additional income anticipated to be received from the sale of trees and forest products;*
- [4] *A certification in lieu of an oath signed by both the landowner and an approved forester stating that the land is woodland, actively devoted to agricultural use, that the activities and practices reported on Form WD-1 have been or will be carried out in the pre-tax year, their implementation represents compliance with the filed woodland management*

*plan, and that the information provided on the form is true and correct; and*

*[5] A certification in lieu of an oath signed by the landowner stating that the income reported on Forms FA-1 G.S. and WD-1 as received or anticipated to be received from the sale of trees and forest products is valid and true and, if any activities and practices reported on the form have not been completed at the time of its submission, that they will be completed within the pre-tax year.*

- (2) The activities and practices listed on Form WD-1 must be completed by the end of the calendar year.*
- (3) If the documents set forth in (a) above are not submitted annually to the assessor, the application will be denied and such land will not be considered to be in agricultural use.*
- (4) The assessor shall not approve an application that includes woodland that is not appurtenant woodland until a woodland management plan has been prepared and approved by the State Forester and the owner has managed the woodland in accordance with the approved plan for at least the two successive years immediately preceding the tax year for which valuation, assessment, and taxation under the Farmland Assessment Act, N.J.S.A. 54:4-23.1, is requested.*

*B. If not already contained in the woodland management plan required in Subsection A above, the following shall be submitted:*

- (1) The applicant's name, address and interest in the subject parcel.*
- (2) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.*
- (3) The block and lot designation and street address, if any, of the subject parcel.*
- (4) A brief written statement generally describing the proposed forestry activities.*

**§ 357-9. Enforcement and inspection.**

*A. This article shall be enforced by the New Jersey State Department of Environmental Protection, Division of Parks and Forestry, Bureau of*

*Forestry, the State Forest Service and State Forest Fire Service (see N.J.S.A. 13:9-1 et seq.).*

- B. *Any complaint made to the City of Estell Manor regarding violations of this article shall be referred to the applicable enforcing agency as indicated above.*
- C. *Nothing contained herein shall be deemed to restrict or impede enforcement of any power or authority granted jurisdiction.*

**§ 357-10. Violations and penalties.**

*All penalties for violations of this article shall be in accordance with Chapter 1, Article II, General Penalty, of the Code of the City of Estell Manor.*

**Chapter 361, Trespassing.**

This chapter is amended in its entirety to read as follows:

**§ 361-1. Unlicensed entry of structures.**

*A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or surreptitiously remains in any research facility, structure, or separately secured or occupied portion thereof, in or upon utility company property, or in the sterile area or operational area of an airport. An offense under this subsection is a crime of the fourth degree if it is committed in a school or on school property. The offense is a crime of the fourth degree if it is committed in a dwelling. An offense under this section is a crime of the fourth degree if it is committed in a research facility, power generation facility, waste treatment facility, public sewage facility, water treatment facility, public water facility, nuclear electric generating plant or any facility which stores, generates or handles any hazardous chemical or chemical compounds. An offense under this subsection is a crime of the fourth degree if it is committed in or upon utility company property. An offense under this subsection is a crime of the fourth degree if it is committed in the sterile area or operational area of an airport. Otherwise, it is a disorderly persons offense.*

**§ 361-2. Defiant trespasser.**

*A person commits a petty disorderly persons offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:*

- A. *Actual communication to the actor; or*
- B. *Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or*
- C. *Fencing or other enclosure manifestly designed to exclude intruders.*

**§ 361-3. Peering into windows or other openings of dwelling places.**

*A person commits a crime of the fourth degree if, knowing that he is not licensed or privileged to do so, he peers into a window or other opening of a dwelling or other structure adapted for overnight accommodation for the purpose of invading the privacy of another person and under circumstances in which a reasonable person in the dwelling or other structure would not expect to be observed.*

**§ 361-4. Defenses.**

*It is an affirmative defense to prosecution under this section that:*

- A. A structure involved in an offense under § 361-1 was abandoned; or*
- B. The structure was at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the structure; or*
- C. The actor reasonably believed that the owner of the structure, or other person empowered to license access thereto, would have licensed him to enter or remain, or, in the case of § 361-3 of this chapter, to peer.*

**Chapter 380, Zoning.****A. Section 380-3.**

- (1) The following definition is added:

*MANUFACTURED HOME – 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.*

- (2) The following definitions are amended to read as shown:

**NONCONFORMING BUILDING** – A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

**NONCONFORMING LOT** – A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

PRINCIPAL BUILDING -- A building in which is conducted the main or principal use of the lot on which the building is situated. An accessory building which is attached to the principal building shall comply in all respects with the requirements applicable to the principal building.

- B. Original Sec. 10-6.6.d.3, providing expiration of member terms, is repealed.
- C. Section 380-22. Subsections B through G of this section are amended to read as follows:
- B. All farm animals/fowl shall be divided into classifications as follows:
- (1) Large animals, including cows, bulls, horses, donkeys and ponies.
  - (2) Medium animals, including sheep, goats and pigs.
  - (3) Small animals/fowl, including chickens, geese, ducks, rabbits and turkeys.
- C. None of the above farm animals/fowl may be raised on any tract consisting of less than two acres.
- D. On any lot consisting of between two acres and up to three acres, one horse or pony may be kept or two medium animals.
- E. On any lot between three acres and up to five acres, two large animals or six medium animals may be kept.
- F. On any lot between five acres and up to 10 acres, four large animals or 12 medium animals may be kept. One additional large animal or three additional medium animals may be kept for each additional two acres over 10 acres.
- G. The number of small animals/fowl may not exceed 20 times the number of medium animals except for turkeys. It shall be unlawful to operate or maintain a commercial turkey farm within the City limits, and it shall be unlawful for any person to raise more than five turkeys at any time.
- D. Sections 380-31B and 380-34D are amended to delete specific fines and instead state that fines are as provided in Chapter 1, Article II, General Penalty.
- E. Section 380-32A(4) is amended to read:
- Residential structures without permanent foundations, including, without limitation, mobile homes and mobile home parks; or without permanent connection to utilities.

- F. Section 380-34A is amended to deleted “, as defined in § 256-1,” from the first sentence thereof.
- G. Original Sec. 10-7.10(2), referencing Section 4-6, is repealed.
- H. Section 380-38G(1)(a) is amended as follows:  
  
Temporary signs advertising events, such as fairs, bazaars, auctions, ~~garage sales~~ or other special activities of a similar nature, shall be permitted. Such signs may not be posted more than one month prior to the event being advertised and must be removed within 10 days following the conclusion of the event. Signs for garage sales shall comply with Chapter 212, Garage Sales, of the Code of the City of Estell Manor.
- I. The last sentence of § 380-40A(4) is amended as follows:  
  
Any permittee who uses premises to which the permit relates in violation of any of the conditions specified by this section or fixed to such permit shall be deemed in violation of this chapter and shall be subject to the penalties enumerated in Subsections 10-8.1a5 and 10-12.1 and Section 3-6 of this Code § 380-82, Violations and penalties, of this chapter.
- J. Original Sec. 10-9.9, Mobile home parks, is repealed.
- K. Section 380-72A is amended so that the last sentence thereof reads:  
  
All applications for zoning permits shall be made to the Zoning Officer, accompanied by a fee payable to the City of Estell Manor, in such amounts as provided in Chapter 185, Article III, Fees for City Services, for a zoning permit for a primary structure and for an accessory building or structure.
- L. Section 380-72D(5) is amended to read as follows:  
  
A fee shall be paid to the Housing Officer, in such amount as provided in Chapter 185, Article III, Fees for City Services, by each applicant for a certification of occupancy.
- M. Replace the words “No fee” at the start of the fifth sentence in Section 380-74G, with the words “A \$20 fee”.
- N. Section 380-73A(5)(i) is amended to delete the reference to N.J.S.A. 13:19-7.
- O. The fifth sentence of § 380-73G is amended to change "No fee..." to “A fee as provided in Chapter 185, Article III, Fees for City Services, for the issuance of said...”.
- P. Original Sec. 10-11.5, Powers of Board of Adjustment, is repealed.

Q. Section 380-74B is amended to change “City Clerk” to “Tax Assessor.”

R. Section 380-81 is amended to read:

Any violations of this chapter shall be subject to the general penalty provision of Chapter 1, Article II, General Penalty, of the Code of the City of Estell Manor.

S. Original Sec. 10-14, Ancillary powers, is repealed.