



**City of Lambertville**  
**Regularly Scheduled Council Meeting**  
**Thursday, December 1, 2022, 7:00 P.M.**  
**Phillip L. Pittore Justice Center, 25 South Union**  
**Street, Lambertville**  
**MINUTES**

**STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

Mayor Nowick called the meeting to order at 7:00 p.m. and he asked the City Clerk to read the statement of compliance with the Open Public Meetings Act.

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 annual notice advertised in the Trenton Times, provided to the Hunterdon County Democrat, and the meeting notice was provided to department heads, the city attorney, city engineer and to members listed on the listserv.

The meeting agenda provides for all action items known at the time of publication and is subject to change.

This meeting is being streamed live and will be recorded using the Zoom Meeting Platform.

**ROLL CALL**

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

Also Present: Cynthia Ege – City Clerk, Lindsay Hansche – Deputy Clerk

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

Mayor Nowick led the members of the public in the Pledge of Allegiance and a moment of silence in honor of those serving in the United States Armed Forces.

**RESOLUTIONS**

RESOLUTION NUMBER 203-2022: *A Resolution to Authorize Change Order Number 2 for the Upper Arnett Avenue Stormwater Conveyance System Emergency Repairs Area for Samson Concrete & Masonry, LLC, Decreasing the Contract by \$12,499.50 to \$340,790.50.*

Mayor Nowick read the resolution into the record by title. He informed the members of the public that this resolution is to approve a change order to decrease the contract with Samson Concrete & Masonry, LLC to \$340,790.50.

**RESOLUTION NUMBER 203-2022**

*A Resolution to Amend Resolution Number 77-2022, and 122-2022, Awarding a Contract to Samson Concrete & Masonry LLC for the Upper Arnett Avenue Stormwater Conveyance System Emergency Repairs, Authorizing Change Order II in An Amount Not to Exceed \$-12,499.50, Reducing the Contract Award to \$340,790.50*

WHEREAS, the City of Lambertville solicited for bids for the Upper Arnett Avenue Stormwater Conveyance System Emergency Repairs and Friday, April 1, 2022, and

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Whereas, on June 16, 2022, the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey awarded the contract for the Upper Arnett avenue Stormwater Conveyance System Emergency Repairs to Samson Concrete & Masonry in the amount of \$269,500.00, plus \$30,000 for the alternate bid.

WHEREAS, the City Engineer has certified that a reduction in the total funds appropriated by Resolution Number 77-2022 and 122-2022 can be reduced by \$-12,499.50, with a total contract award of \$340,790.50.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Change Order II for the Upper Arnett Avenue Stormwater Conveyance System Emergency Repairs, in the amount of \$-12,499.50, reducing the total contract award amount to Samson Concrete & Masonry, LLC to \$340,790.50, is hereby authorized.

BE IT FURTHER RESOLVED, that this change order reduces the percentage of the change order to 12%, which is within the scope of authorization for the City;

BE IT FURTHER RESOLVED by the Mayor, City Attorney and City Clerk are hereby authorized to execute change order two for the project.

ADOPTED: December 1, 2022

Mayor Nowick asked for a motion to adopt Resolution Number 203-2022. Councilman Stegman made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

## **ORDINANCE – FIRST READING**

*ORDINANCE NUMBER 35-2022: An Ordinance Of The City Of Lambertville Amending Chapter X, Section 10-7 Of The City Code Entitled “Rental Of Housing Units” And Chapter XI Entitled “Fire Prevention”*

Mayor Nowick read the ordinance into the record by title. He explained that this ordinance will update our code to include the requirement of a certificate of insurance for all rental units, ensure compliance with lead-based paint laws, and amend the fees.

### **City of Lambertville**

#### **ORDINANCE NUMBER 35-2022**

#### **AN ORDINANCE OF THE CITY OF LAMBERTVILLE AMENDING CHAPTER X, SECTION 10-7 OF THE CITY CODE ENTITLED “RENTAL OF HOUSING UNITS” AND CHAPTER XI ENTITLED “FIRE PREVENTION”**

#### **§ 10-7 RENTAL OF HOUSING UNITS. [1]**

*[1] Editor's Note: Ordinance No. 2010-23 Superseded Ordinance Nos. 2006-06 and 2007-07.*

#### **§ 10-7.1 Definitions.**[Ord. No. 2010-23]

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

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**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.

**CERTIFICATE OF INSURANCE**

In accordance with Senate, No. 1368, Business Owners and Rental Unit Owners to maintain certain liability insurance policies. The owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register the certificate insurance demonstrating compliance with section 1 of S1368.

**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.

**ZONING OFFICER AND/OR FIRE OFFICIAL**

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, 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**

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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 in accordance with Chapter **11** of the City Code, seek to occupy the dwelling unit.

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

**§ 10-7.2 Annual Landlord Registration 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 Office of the Municipal Clerk an Annual Landlord Registration 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 in accordance with Chapter **11** of the City Code, shall be renewed annually each March 1st. All Annual Landlord Registration, 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; 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 shall be available from the Office of the Municipal 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.

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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.

9. In the event of a change in landlord of the dwelling unit, a new Annual Landlord Registration 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 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.

13. Submission of a current lead hazard evaluation by a DCA certified lead hazard evaluation contractor of the landlord's choosing. Certification shall be in compliance with the current Lead Hazard Law *P.L.2021, c.182*, and shall state there is no lead hazard in the premise at the time of the evaluation. A Lead-Safe Certificate shall be issued by the City upon receipt of clean certification from the lead hazard evaluation contractor. The fee for the certificate shall be \$100 and shall be valid for a maximum of two years. All residential rental units shall obtain a Lead-Safe Certificate from the City on or before July 1, 2024 in compliance with State Law.

(a) This requirement applies to all single family, two-family, and multi-family rental properties that were built before 1978. Multi-family units that are inspected through the State are exempt from the local requirement. Residences that have been certified Lead-Free, not just Lead-Safe, are also exempt.

(b) Continuing inspections shall be completed and results submitted to the City prior to any change in tenant or every three years, whichever is sooner unless there is a current valid 'Lead-Safe' certificate for the property.

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.<sup>[1]</sup>

*[1] Editor's Note: The Landlord Registration Application and the Affidavit of No Change for Landlord Registration can be found at the end of this Section 10-7.*

**§ 10-7.4 Annual Landlord Registration 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]

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**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 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 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 in accordance with Chapter **11** of the City Code:

**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 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

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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 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.

**c.** The following officials are authorized to issue summons for violations of this section to any owner, landlord or tenant found to be in violation of this section: Zoning Official, Fire Official, Construction Official, and any Police Officer of the City of Lambertville.

**d.** Inspections. The Fire Official and the Construction Official 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 in accordance with Chapter **11** of the City Code. For the purpose of making inspections, they are 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 an Annual Landlord Registration 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.

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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 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 Fire Official, Construction Official or the Police Department of the City of Lambertville by the most expedient means.

**§ 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 \$75.00 to file an Annual Landlord Registration 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 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

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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 Zoning Officer and/or Fire Official 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.

**§ 10-7.16 Severability.**

[Ord. No. 2010-23]

If any paragraph, subsection, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

INTRODUCTION AND FIRST READING: December 1, 2022

PUBLIC HEARING AND SECOND READING: December 15, 2022

Mayor Nowick asked for a motion to introduce on first reading Ordinance Number 35-2022 with a public hearing scheduled for December 15, 2022. Councilwoman Lambert made the motion and Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ORDINANCE NUMBER 38-2022:** *An Ordinance to Amend the Lambertville City Code, 2014, Adding Provisions for Film and Media.*

Mayor Nowick read the Ordinance into the record by title. He asked Councilman Sanders to give a background on the Ordinance as presented.

Councilman Sanders informed the members of the Governing Body that he worked with Councilman Stegman to develop this ordinance based on models from various towns who have already addressed filming in their municipalities. The purpose is to establish a process for permitting for those who want to film in the City. It sets up a standard process and allows neighbors and businesses a comment period, after which the application can be approved or rejected. The other item that is important to note, and was recommended by the State Film Commission, was the idea of the waiver process. There needs to be flexibility if you want to encourage filming in your community because of unpredictable issues like the weather. Having a filming ordinance will send a signal to companies to let them know the City welcomes their applications.

Councilman Stegman commented that it is better to have the ordinance in place in the event that someone wants to film in our community, versus having to scramble if we are approached. It was noted that we may want to look at photographs in order to attract film companies to the area.

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Councilwoman Lambert asked about drones. It was noted that drones would be permitted in this ordinance, however the regulation of drones will need a separate ordinance. Councilwoman Lambert complimented Councilman Stegman and Councilman Sanders for their work.

Mayor Nowick commented that he was pleased with the ordinance and he noted that while the ordinance leaves much to the discretion of the Mayor, collaboration with the Police Department and Council would be integral to successful filming endeavors in Lambertville.

ORDINANCE NUMBER 38-2022

*An Ordinance to Amend the Lambertville City Code, 2014, Adding Provisions for Film and Media.*

**Special Regulations for Major Motion Pictures: 11/25/22**

§ XXX-1 Definitions.

§ XXX-2 Permit required.

§ XXX-3 Issuance of permits.

§ XXX-4 Interference with public activity; notice of filming.

§ XXX-5 Filming in residential zones.

§ XXX-6 Refusal to issue permit; employment of Lambertville Police Officers and electrician.

§ XXX-7 Appeals.

§ XXX-8 Waiver of requirements of chapter by Mayor.

§ XXX-9 Copies of permit; inspections.

§ XXX-10 Reimbursement of certain costs.

§ XXX-11 Special regulations for major motion pictures.

§ XXX-12 Fees.

§ XXX-13 Violations and penalties.

§ XXX-1 Definitions.

As used in this or her chapter, the following terms shall have the meanings indicated:

**FILMING**

The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters or for

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institutional uses. The provisions of this or her chapter shall not be deemed to include the "filming" of news stories within the City of Lambertville.

**MAJOR MOTION PICTURE**

Any film for which the budget is at least \$5,000,000 or recurrent weekly television series programming.

**PUBLIC LANDS**

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the City which is within the jurisdiction and control of the City of Lambertville.

**§ XXX-2 Permit required.**

**A.** No person or organization shall film or permit filming on public or private land within the City of Lambertville without first having obtained a permit from the office of the City Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three consecutive days in any one location and in no event shall filming at one location within the City exceed a total of six days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. Either or both of the three-consecutive-day and the six-day limitations may be extended only if the filming requested constitutes a major motion picture as defined by § **XXX-1** of this chapter. Said permit must be readily available for inspection by City officials at all times at the site of the filming.

**B.** All permits shall be applied for and obtained from the office of the City Clerk during normal business hours. Applications for such permits shall be in a form approved by the City Clerk and be accompanied by a permit fee in the amount established by this chapter in § **XXX-12** herein.

**C.** If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the City Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

**§ XXX-3 Issuance of permits.**

**A.** No permits will be issued by the City Clerk unless applied for prior to 10 business days before the requested shooting date; provided, however, that the Mayor may waive the ten-day period if, in his or her judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

**B.** No permit shall be issued for filming upon public lands unless the applicant shall provide the City with satisfactory proof of the following:

**(1)** Proof of insurance coverage as follows:

**(a)** For bodily injury to any one person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000.

**(b)** For property damage for each occurrence in the aggregate amount of \$300,000.

**(2)** An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the City of Lambertville from any and all liability, expense, claim for damages resulting from the use of public lands.

**(3)** The posting of cash of \$500 or a maintenance bond of \$500 running in favor of the City and protecting and ensuring that the location utilized will be left after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all City ordinances, laws and regulations will be followed. Within 21 days of the

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completion of the filming, the City will return the bond if there has been no damage to public property or public expense caused by the filming.

(4) The hiring of an off-duty Lambertville police officer for the times indicated on the permit.

C. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Lambertville Police Department with respect thereto.

§ XXX-4 Interference with public activity; notice of filming.

A. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming pursuant the direction from the Lambertville Police Department.

B. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, the holder shall provide these parties written notice of the filming at least seven days prior to the requested shooting date and be informed that objections may be filed with the City Clerk, said objections to form a part of applicant's application and be considered in the review of the same. The Clerk shall provide addresses for affected business, merchants and residents. Proof of service of notification to adjacent owners shall be submitted to the City Clerk within five days of the requested shooting date.

§ XXX-5 Filming in residential zones.

Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with § XXX-8 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ XXX-6 Refusal to issue permit; employment of Lambertville Police Officers and electrician.

A. The Mayor may refuse to issue a permit whenever determined by the Mayor, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other City Departments involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

B. Further, the City reserves the right to require one or more on-site Lambertville Police Officers in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site New Jersey licensed electrician may be similarly required if the production company does not have a licensed New Jersey electrician on staff.

§ XXX-7 Appeals of Denial or Revocations.

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A. Any person aggrieved by a decision of the Mayor denying or revoking a permit or a person requesting relief pursuant to § XXX-8 may appeal to the City Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the City Clerk.

B. An appeal from the decision of the Mayor shall be filed within 10 days of the Mayor's decision. The City Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the City Council shall be in the form of a resolution supporting the decision of the Mayor at the first regularly scheduled public meeting of the City Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Mayor shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief pursuant to § XXX-8 shall be deemed denied.

§ XXX-8 Waiver of requirements of chapter by Mayor.

The Mayor may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Mayor shall consider the following factors:

A. Traffic congestion at the location caused by vehicles to be parked on the public street.

B. Applicant's ability to remove film-related vehicles off the public streets.

C. When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming.

D. Nature of the film shoot itself; e.g., indoors or outdoors; day or night; on public or private lands.

E. Prior experience of the film company/applicant with the City, if any.

[w4]

§ XXX-9 Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Film Commission. The applicant shall permit City inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instruction issued by City inspectors.

§ XXX-10 Reimbursement of certain costs.

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the City for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the City was prevented from earning because of filming.

§ XXX-11 Special regulations for major motion pictures.

A. When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific reference to day or dates may exceed three consecutive days and/or may exceed six days in duration if approved at the discretion of the Mayor following a favorable review of the factors set forth in § XXX-8 herein.

B. Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Mayor, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in § XXX-8 hereof.

§ XXX-12 Fees.

The schedule of fees for the application and the issuance of permits authorized by this chapter are as follows:

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A. Basic filming permit: \$150. Where an applicant requests a waiver of the provision of § ~~XXX-3A~~ requiring expedited processing of a permit application within 24 hours of the filming date, the basic filming permit fee for processing the application on an expedited basis shall be \$500.

[Amended 2-11-2008 by Ord. No. 08-03; 7-7-2009 by Ord. No. O-032-09]

B. Daily filming fee payable in addition to the basic filming permit: \$600 per day.

[Amended 7-7-2009 by Ord. No. O-032-09]

C. Daily filming fee payable for major motion picture: \$1,500 per day.

D. Filming permit for nonprofit applicants filming for educational purposes (no daily rate required): \$25.

§ XXX-13 Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

Mayor Nowick asked for a motion to introduce on first reading Ordinance Number 38-2022 with a public hearing scheduled for December 15, 2022. Councilwoman Lambert made the motion and Councilman Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ORDINANCES CURRENTLY IN DRAFT FORM FOR 2023:**

ORDINANCE NUMBER XX-2022: *An Ordinance to Revise the Lambertville City Code, 2014, Chapter XX, Flood Damage Prevention, Incorporating the Mandated Higher State Standards Found in the Flood Hazard Area Control Act. See 08-19-2022 Letter from NJDEP.*

**DISCUSSION ITEMS**

Mayor Nowick gave an update on the following items:

**Closson Property:** The bid opening for the Planner to assist with the Closson property is tomorrow, December 2. We will hopefully be able to award or reject at the next Council meeting for planning services, with the hopes of hitting the ground running in January. We received an updated appraisal from one company, and are waiting on the submission of the second appraisal. We received a letter from Green Acres regarding the appraisal and we are waiting for a response to our questions. The appraisals will be available on the City's website once those questions are answered.

**Food Waste/Third Can RFP:** The bid opening was today and the city received one bid. It is currently under attorney review.

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**Update on Various Construction Projects:** The road projects should be completed by the end of next week. The waterways projects should be complete by December 30.

**CORRESPONDENCE**

Municipal Equality Index: Mayor Nowick informed the members of the Governing Body and the public that the city scored 100% and this is largely because of a couple tweaks made to the liaison position as suggested by Roni Todd-Marino.

**PUBLIC PARTICIPATION**

Mayor Nowick asked for public participation.

There being no questions or comments from the public, Mayor Nowick asked for a motion to close the public participation/comment section of the meeting. Councilman Stegman made the motion, Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Zoom participants: 4 in total.

**CLOSED SESSION:** Closed Session of the Governing Body of the December 1, 2022 Lambertville City Council Meeting to discuss Issues related to Potential Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

**RESOLUTION**

*“Authorizing a Closed Session at the December 1, 2022 Lambertville City Council Meeting to Discuss Issues Related to Potential Contracts Pursuant to N.J.S.A. 10:4-12(b)”*

**WHEREAS**, the Council of the City of Lambertville is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A. 10:4-12(b).

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Lambertville that a closed session shall be held on December 1, 2022, in person at the Phillip L. Pittore Justice Center located at 25 South Union Street to discuss matters related to potential contracts pursuant to N.J.S.A. 10:4-12(b).

**BE IT FURTHER RESOLVED** that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Lambertville Mayor and City Council.

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Mayor Nowick and City Council convened in closed session at 7:39 p.m. with a motion made by Council President Taylor and seconded by Councilwoman Lambert. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick and City Council re-convened in regular session at 7:53 p.m. with a motion made by Councilman Stegman and seconded by Councilwoman Lambert. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ADJOURNMENT**

Mayor Nowick asked for a motion to adjourn at 7:53 p.m. Councilman Stegman made the motion and Mayor Nowick seconded the motion. 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