



**CITY OF LAMBERTVILLE  
VOTING SESSION  
6:00 P.M. THURSDAY, NOVEMBER 16, 2023  
PHILLIP L. PITTORE JUSTICE CENTER  
25 SOUTH UNION STREET  
\*\*\*MEETING AGENDA\*\*\***

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

The meeting agenda offers planned action items at the time of publication and is subject to change.

**II. ROLL CALL**

**III. CLOSED SESSION:** *Closed Session of the Governing Body of the November 16, 2023, Lambertville City Council Meeting to discuss Issues related to Potential Contracts, pursuant to N.J.S.A. 10:4-12(b)(7)(8).*

**PLEASE NOTE:** *the Governing Body will go into Closed Session at 6:00 p.m. and Reconvene In Open Session at 7:00 p.m.*

**RESOLUTION**

*“Authorizing a Closed Session at the November 16, 2023, Lambertville City Council Meeting to Discuss Matters Related to Potential Contracts, Pursuant to N.J.S.A. 10:4-12(b)(7)”*

**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 November 16, 2023, in person at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City, to discuss matters related to potential contracts, pursuant to N.J.S.A. 10:4-12(b)(7).

**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.

ADOPTED: November 16, 2023

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

**IV. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE**

**V. APPROVAL OF MINUTES**

September 21, 2023, Regularly Scheduled Session Minutes

September 21, 2023, Closed Session Minutes

October 5, 2023, Work Session Minutes

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October 19, 2024 Regularly Scheduled Session Minutes

October 19, 2023 Closed Session Minutes

November 2, 2023 Work Session Minutes

**VI. ADMINISTRATIVE REPORTS**

Clerk's Report, Construction Office (Lambertville and Frenchtown), Court Report, Fire Official, Police Department, Public Works Department, and Tax Collector

**VII. PUBLIC PARTICIPATION**

**VIII. RESOLUTIONS**

CONSENT AGENDA: The following resolutions on a consent agenda are considered routine and shall be enacted by one motion. Should any member of City Council seek separate discussion of any item, that item shall be removed and discussed separately.

RESOLUTION NUMBER 171-2023: A Resolution to Authorize Refunds

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 the following refunds are authorized:

Kareda LLC, for a refund of tax sale deposit, in the amount of \$1,000.00

Matthew Lucas, for a refund of a permit fee, in the amount of \$260.00

Jennifer Gifford, refund of facility use deposit in the amount of \$250.00

Matthew Jankovitz, overpayment of taxes, in the amount of \$1,168.73  
(152 York Street, Block 1002, Lot 68)

RESOLUTION NUMBER 172-2023: A Resolution to Authorize the Payment of Tax Sale Revenue to the Lambertville Municipal Utilities Authority

WHEREAS, the City of Lambertville held an electronic tax sale on October 24, 2023; and

WHEREAS, the Tax Collector collected \$9,481.48 in revenue for the 2022 calendar year representing payments for the Lambertville Municipal Utilities Authority; and

WHEREAS, the funds are due and payable to the Lambertville Municipal Utilities Authority.

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 the Finance Department is hereby authorized to reimburse the Lambertville Municipal Utilities Authority for the collection of sewer payments for the 2022 calendar year collected in the electronic tax sale held on October 24, 2023 in an amount not to exceed \$9,481.48.

RESOLUTION NUMBER 173-2023: A Resolution to Adopt the Corrective Action Plan for the 2022 Audit

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 the Corrective Action Plan for the 2022 Audit prepared by the Certified Municipal Finance Officer is hereby adopted and approved for submittal to the State of New Jersey Department of Community Affairs.

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*RESOLUTION NUMBER 174-2023: A Resolution to Authorize the Transfers of Budget Appropriations Pursuant to N.J.S.A. 401:4-58*

**RESOLUTION NUMBER 174-2023**

**RESOLUTION AUTHORIZING TRANSFER OF BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A 401:4-58**

WHEREAS, in accordance with N.J.S.A 40A:4-58, transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in less amounts than anticipated;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey, in accordance with N.J.S.A 40A:4-58 that transfers between budget appropriation accounts on the attached report are authorized and that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be transmitted to the Chief Financial Officer.

<u>ACCOUNT NO.</u>	<u>ACCOUNT TITLE</u>	<u>FROM</u>	<u>TO</u>
3-01-20-100-200	General Administration		\$25,600.00
3-01-20-100-100	Clerk SW	\$1,000.00	
3-01-20-120-200	Clerk OE	\$3,000.00	
3-01-20-130-100	Finance SW	\$3,000.00	
3-01-20-130-200	Finance OE	\$1,000.00	
3-01-20-145-100	Tax Collector S&W		\$1,380.00
3-01-20-145-299	Tax Liquidation TTL		\$1,790.00
3-01-20-150-200	Tax Assessor OE	\$1,720.00	
3-01-20-155-200	Legal OE		
3-01-21-180-200	Planning OE	\$500.00	
3-01-21-185-200	Zoning OE	\$1,000.00	
3-01-21-190-100	Construction SW		\$2,165.00
3-01-22-195-101	Construction Frenchtown S&W	\$2,050.00	
3-01-22-195-301	Frenchtown OE		\$2,700.00
3-01-22-196-200	Fire OE	\$4,000.00	
3-01-23-210-290	Liability Insurance		\$15,761.00
3-01-23-220-200	Group Insurance		
3-01-23-220-301	Group Waivers		\$475.00
3-01-25-240-101	Police S&W	\$10,000.00	
3-01-25-240-200	Police OE	\$7,000.00	
3-01-25-252-200	Emergency Management OE	\$250.00	
3-01-26-290-101	DPW S&W	\$10,000.00	
3-01-26-290-200	DPW OE		
3-01-26-305-100	Solid Waste SW	\$2,000.00	
3-01-26-305-200	Solid Waste OE		\$5,000.00
3-01-26-310-224	Buildings & Grounds OE		\$1,800.00
3-01-26-345-100	Public Assistance		1.00
3-01-27-350-200	Historical OE	\$200.00	
3-01-30-415-100	Accumulated Absences		

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3-01-31-430-271	Electricity	\$2,000.00	
3-01-31-446-270	Natural Gas		\$135.00
3-01-31-455-278	Sewer		\$90.00
3-01-31-460-274	Gas	\$3,500.00	
3-01-31-461-274	Diesel	\$1,000.00	
3-01-31-465-271	Street Lighting		\$14,025.00
3-01-36-472-298	Social Security	\$6,000.00	
3-01-36-471-291	PERS		
3-01-43-490-100	Court S&W	\$12,052.00	
3-01-43-490-201	Court OE		\$350.00
	<b>Total</b>	<b>\$71,272.00</b>	<b>\$71,272.00</b>

ADOPTED: November 16, 2023

**RESOLUTION NUMBER 175-2023: A Resolution to Suspend the Street Sweeper Beginning December 4, 2023 and Ending March 25, 2024 Weather Permitting**

**RESOLUTION NUMBER 175-2023**

*A Resolution to Suspend the Street Sweeper Beginning Monday, December 4, 2023 Through March 4, 2024, Weather Permitting.*

NOW THEREFORE BE IT RESOLVED that the governing body in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the street sweeper is hereby suspended beginning Monday, December 4, 2023 through March 25, 2024, weather permitting.

ADOPTED: November 16, 2023

**RESOLUTION NUMBER 176-2023: A Resolution Authorizing the Redemption of a Tax Lien for Block 1002, Lot 68, In the Amount of \$211.04.**

**RESOLUTION 176-2023**

*A Resolution Authorizing the Redemption of a Tax Lien for Block 1002, Lot 68 In the Amount of \$211.04*

**WHEREAS**, Tax Lien Certificate 23-00002 issued on Block 1002 Lot 68 was sold to USBANK/PC8 FIRSTRUST BANK PO BOX 774 Fort Washington, PA 19034 on 10/24/23 and

**WHEREAS**, payment has been received by the Tax Collector for redemption of the tax lien from Matthew Jankovitz (new owner).

**NOW THEREFORE BE IT RESOLVED** by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to USBANK/PC8 FIRSTRUST BANK PO BOX 774 Fort Washington, PA 19034 for tax lien certificate 23-00002 in the amount of \$211.04

1 check for the lienholder (no premium on tax sale certificate) –  
Check 1= \$211.04

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RESOLUTION NUMBER 177-2023: A Resolution Requesting Permission for the  
Dedication by Rider for the Emergency Fund Required by N.J.S.A. 40A:5-29

City of Lambertville, County of Hunterdon  
RESOLUTION NUMBER 177-2023

*A Resolution Requesting Permission for the Dedication by Rider for the Emergency Fund  
Required by N.J.S.A. 40A:5-29.*

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of donations by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4039 provides the dedicated revenues anticipated from the Emergency Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay the expenditures of the Emergency Fund.
2. The Clerk of the City of Lambertville, County of Hunterdon, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

ADOPTED: November 16, 2023

*End of Consent Agenda*

**IX. APPROVAL OF THE BILLS LIST**

**X. ORDINANCES – FIRST READING**

- a. ORDINANCE NUMBER 33-2023: An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Traffic, To Remove the Loading Zone on Clinton and Delevan Street.

ORDINANCE NUMBER 33-2023

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Traffic, Section 7-8, Loading Zones*

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 Chapter 7, Traffic is hereby amended as follows:

Section 7-8, Loading Zones: to exclude the loading zone on Clinton Street, on the east side, from the intersection of Delevan Street running 76 feet southerly.

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INTRODUCTION AND FIRST READING: November 16, 2023

PUBLIC HEARING AND SECOND READING: December 21, 2023

- b. ORDINANCE NUMBER 34-2023: An Ordinance to Amend the Lambertville City Code, 2014, Chapter 10, Landlord Registration

*ORDINANCE NUMBER 34-2023*

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 10, Landlord Registration*

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

*§ 10-7 RENTAL OF HOUSING UNITS.*

*§ 10-7.1 Definitions.*

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]**

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

**ADULT TENANT**

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

**BUILDING**

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

**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 multifamily 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**

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 nonprofit corporation or public entity.

**DWELLING UNIT**

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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**

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.

**LANDLORD**

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**

Any person, including minors, who reside or intends to reside in a dwelling unit.

**RENTAL HOUSING OFFICER**

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**

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

**VACANT DWELLING UNIT**

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.

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**ZONING OFFICER AND/OR FIRE OFFICIAL**

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.

*§ 10-7.2 Annual Landlord Registration Required.*

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]**

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 1. All annual landlord registration, in accordance with Chapter **11** of the City Code, received after April 1 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; 12-15-2022 by Ord. No. 35-2022]**

- 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) Maximum number of tenants permitted in the dwelling unit.



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- (f) The date tenancy commenced or will commence.
5. Proof of current payment of property taxes, assessments against property, sewer charges, or other municipal charges, or assessments pursuant to N.J.S.A. 40:52-1.2.
6. Payment of registration fees.
7. A certification from the landlord that the dwelling unit to be rented complies with this section.
8. A certification from the landlord that he/she will not authorize more than the maximum permitted tenants to occupy the dwelling unit.
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 SDCMFX inspection must be completed.
  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 premises 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 multifamily rental properties that were built before 1978. Multifamily 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 12) is correct and has not changed by completing an affidavit of the full

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application. An Affidavit of No Change can only be filed five consecutive years. The sixth year requires the completion of the full application.

*§ 10-7.4 Annual Landlord Registration Required.*

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]**

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.

*§ 10-7.6 Limitations of Occupancy.*

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]**

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 10 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. 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; amended 12-15-2022 by Ord. No. 35-2022]**

- 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

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accordance with the maximum standing room space allowed as per the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1.1 et seq.

- d. Structures that preexisted the adoption of the 1971 Zoning Ordinance may continue to be used as a dwelling unit notwithstanding they do not meet the requirements of this section, provided their continued use is permitted by and the Uniform Fire Safety Code, N.J.S.A. 52:27D-192 et seq., and New Jersey Uniform Fire Safety Code, N.J.A.C. 5:70-1.1 et seq. (jointly referred to as "Uniform Fire Safety Code"). The landlord shall submit a written request with the application for the rental certificate of occupancy for such continued use along with a written explanation as to how compliance with the Uniform Fire Safety Code creates practical difficulties.

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

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]**

- 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.
- 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.

*§ 10-7.9 Unlawful Activities.*

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]**

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:

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- a. 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.
- b. 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.
- c. To enter into a lease agreement without at least one tenant being an adult and requiring all adult tenants to sign the lease.
- d. To violate any subsection of this section.
- e. Filing a false certification.

*§ 10-7.10 Reporting of Violations.*

**[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]**

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; amended 12-15-2022 by Ord. No. 35-2022]**

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; 12-15-2022 by Ord. No. 35-2022]**

- a. There shall be an annual fee of \$250.00 to file an annual landlord registration in accordance with Chapter **11** of the City Code, for each building containing one or more dwelling units.
- b. A late fee of \$50 shall be applied to all registrations or renewals filed after April 1 of each year. Applications received after June 30 will be subject to a penalty fee of \$100.00. Applications received after September 30 will be subject to a penalty fee of \$150.00.

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- c. Landlords who decide to renovate or not rent a property will need to file an affidavit with the City Clerk's Office within 30 days of the vacancy.
- d. Landlords who fail to register the property within a one-year cycle, will be required to file the previous year's registration before they can file the current year's registration.
- e. Landlords who decide to rent the property as a Short-Term Rental instead of a housing unit, will be subject to the provisions found in Ordinance Number 32-2023, and/or Chapter 5-11 of the Lambertville City Code, 2014.

*§ 10-7.13 Tenant Subject to Removal.*

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

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)*

[Amended 12-15-2022 by Ord. No. 35-2022]

*§ 10-7.15 Violations and Penalties.*

[Ord. No. 2010-23; amended 12-15-2022 by Ord. No. 35-2022]

- 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 \$250.00 nor more than \$2,000. Each and every day such violation continues shall be deemed a separate and distinct violation. Each violation of this chapter shall be a separate and distinct violation. The imposition of a fine in amount greater than \$1,250 upon an owner for violation of this section shall provide for thirty-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded the opportunity for a hearing in the Municipal Court for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 (up to a maximum of \$2,000 may be imposed if the Court has not determined otherwise, or, upon reinspection of the property it is determined that the abatement has not been substantially completed. (N.J.S.A. 40:49-5)
- b. Refusal of Entry. Anyone who knowingly refuses entry or access to any lawfully authorized Zoning Officer and/or Fire Official of the City of Lambertville for the

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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.*

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.

*§ 10-8 REAL ESTATE DISCLOSURE OF THE SPECIAL FLOOD HAZARD AREA.*  
**[Ord. No. 22-2015]**

Disclosure of a property's potential flood hazard to prospective buyers must be made by the owner, his/her representative or real estate agent. Notification to the prospective buyer or tenant includes a clear statement in writing informing him/her if the building or structure is all or in part mapped within the Special Flood Hazard Area (1% annual chance flood) on the effective FEMA Flood Insurance Rate Map and if the prospective buyer would have a potential obligation to purchase flood insurance (structure and/or contents) to satisfy a Federally backed mortgage. The words "Flood insurance is required for a Federally backed mortgage" must be used on the disclosure if the building or structure is all or in part of the Special Flood Hazard Area. The disclosure must be a separate document from the seller's disclosure and is distinct from whether the seller experienced a flood while in ownership of the building or structure; for potential renters, the disclosure shall note if the landlord has experienced flooding during his/her ownership. The notice should state that additional information is available from the City of Lambertville's Construction Office.

INTRODUCED FOR FIRST READING: November 16, 2023

PUBLIC HEARING AND SECOND READING: December 21, 2023

- c. ORDINANCE NUMBER 35-2023: *An Ordinance to Regulate Privately-Owned Salt Storage*

**ORDINANCE NUMBER 35-2023**

*An Ordinance to Amend the Lambertville City Code, 2014 to Regulate Privately-Owned Salt Storage*

**SECTION I. Purpose:**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned)\* in the City of Lambertville to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

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**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).
  - 1. A fabric frame structure is a permanent structure if it meets the following specifications:
  - 2. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials.
  - 3. The design shall prevent stormwater run-on and run through, and the fabric cannot leak.
  - 4. The structure shall be erected on an impermeable slab.
  - 5. The structure cannot be open sided; and
  - 6. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- F. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**SECTION III. Deicing Material Storage Requirements:**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th, but no longer than 30 days without prior written approval from the Department:
  - 1. Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through.
  - 2. Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels.
  - 3. Materials shall be formed in a cone-shaped storage pile.
  - 4. All storage piles shall be covered as follows:

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- a. The cover shall be waterproof, impermeable, and flexible.
  - b. The cover shall extend to the base of the pile(s).
  - c. The cover shall be free from holes or tears.
  - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind.
  - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
  - f. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
5. The site shall be free of all de-icing materials between April 16th and October 14th.
- B.** De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of solid deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C.** The property owner shall designate a person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met.

**SECTION IV. Exemptions:**

This ordinance does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Police Department of the City of Lambertville during ordinary enforcement duties.

**SECTION VI. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations found to be in violation of the provisions of this ordinance upon conviction, shall be liable to the penalty stated in Chapter 1 Section 1-5.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCED FOR FIRST READING: November 16, 2023

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**XI. ORDINANCES – SECOND READING**

- a. ORDINANCE NUMBER 30-2023: *An Ordinance to Repeal Ordinance Number 02-2021, An Ordinance of the City of Lambertville, County of Hunterdon, State of New Jersey Establishing Regulations for the Award of Public Contracts to Political Contributors, Pursuant to P.L. 2023, c. 30, the Elections Transparency Act, Repealing N.J.S.A. 40A:11-51.*

WHEREAS, Ordinance Number 02-2021 was adopted on March 18, 2021, by the Governing Body of the City of Lambertville, in the County of Hunterdon, State of New Jersey; and

WHEREAS, P.L. 2023, c. 30, known as the “Elections Transparency Act” repealed N.J.S.A. 40A:11-51, the statute that originally authorized local pay-to-play restrictions.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, State of New Jersey, that Ordinance Number 02-2021 is hereby repealed.

INTRODUCED FOR FIRST READING: October 19, 2023

PUBLIC HEARING AND SECOND READING: November 16, 2023

- b. ORDINANCE NUMBER 31-2023: *An Ordinance to Authorize an Easement with the Lambertville Municipal Utility Authority for the North Union Street Park*

WHEREAS, the Lambertville Municipal Utilities Authority’s pumping station located at North Union Street was severely damaged during Hurricane Ida in 2021; and

WHEREAS, the LMUA has requested an easement for the North Union Street Park for the duration of their project; and

WHEREAS, the Parks and Recreation Commission reviewed the request and have the following requests:

- 1: No new buried underground utilities will be installed on park property;
- 2: The Flowering Dogwood (*Cornus florida*) will be removed and replaced with Flowering Dogwood (*Cornus florida*);
- 3: The Scarlet Oak (*Quercus coccinea*) will not be removed, and the LMUA will provide protection as per the request of Parks and Recreation. The Scarlet Oak will be monitored for the first year after construction and if the health of the tree is impacted by construction for a period of one year, it will be replaced in-kind with a two-year warranty;
- 4: Any lawn that is damaged must be reseeded with a low-grow fescue-micro clover mix;
- 5: The LMUA will fund the removal of the bike station, if required.

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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 the easement request of the Lambertville Municipal Utilities Authority is hereby authorized.

FIRST READING AND INTRODUCTION: October 19, 2023

SECOND READING AND PUBLIC HEARING: November 16, 2023

- c. ORDINANCE NUMBER 32-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 5, General Licensing To Include Provisions to Manage Short-Term Rentals*

**ORDINANCE NUMBER 32-2023**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 5-11, to Include Provisions to Manage Short-Term Rentals*

**CHAPTER 5-11 - SHORT-TERM RENTALS.**

**§ 5-11.1 - Definitions.**

The following terms shall have the meanings indicated below:

"**Dangerous condition**" shall mean a condition that creates a substantial risk of injury to life and/or property.

"**Owner**" shall mean any person alone or jointly or severally with others:

a. Who has legal or equitable title to any premises, with or without accompanying actual possession thereof;

b. Who has equitable title and is either in actual possession or collects rents therefrom;

c. Who, as executor, executrix, trustee, guardian or receiver of an estate or as mortgagee or as vendee in possession, either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents, shall have charge, care or control of any dwelling, boardinghouse or lodging house; or any such person thus representing the person holding the equitable or legal title, all of whom under this chapter shall be bound to comply with the provisions hereof and any rules and regulations adopted pursuant thereto to the same extent as if they were the persons holding the legal or equitable title.

"**Owner-occupied**" shall mean the owner of the property who resides in the short-term rental property, or in the principal residential unit with which the short-term rental property is associated on the same lot and identifies the same as his or her principal residence as that term is defined in this section. For purposes of this section, if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the short-term rental property, or in the principal residential unit with which the short-term rental property is associated on the same lot and identify same as his or her principal residence as that term is defined in this section.

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"**Principal residence**" shall mean the address:

- (1) where at least one of the property owners spends the majority of their non-working time.
- (2) which is most clearly the center of their domestic life; and
- (3) which is identified on their driver's license or State identification card as being their legal address. All the above requirements must be met in order for an address to constitute a principal residence for the purposes of this section.

"**Property**" shall mean a parcel of real property located within the boundaries of the City of Lambertville, Hunterdon County, New Jersey.

"**Responsible party**" shall mean the short-term rental property owner or a person, including but not limited to any property manager, designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

"**Short-term rental**" (hereinafter "**STR**") shall mean the accessory use of a dwelling unit as defined in this section for occupancy by someone other than the unit's owner or permanent resident for a period of thirty-one (31) or fewer consecutive days, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants as defined in this section.

"**Short-term rental property**" (hereinafter "**STRP**") shall mean a residential dwelling unit as defined in this section, that is used and/or advertised for rent as a short-term rental for transient occupants as guests, as those terms are defined in this section.

"**Short-term rental property agent**" shall mean any New Jersey-licensed real estate agent or other person designated and charged by the owner of a short-term rental property, with the responsibility for making the short-term rental application to the City on behalf of the owner and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the owner. Such person shall be available for and responsive to contact on behalf of the owner at all times.

"**Substantiated complaint**" shall mean a civil or criminal complaint, summons, or notice of violation(s) that is supported by substantial evidence.

"**Transient occupant**" shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, or (2) satisfies the definition of a short-term rental property, as such term is defined in this section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

**§ 5-11.2 - Regulations pertaining to short-term rentals.**

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- A. It shall be unlawful for any owner of any property within the geographic bounds of the City of Lambertville, Hunterdon County, New Jersey, to rent, operate, or advertise a short-term rental in a manner that is contrary to the procedures and regulations established in this section or applicable state law.
- B. Short-term rentals shall only be permitted to be conducted in the following classifications of property in the City of Lambertville:
  - (1) Dwelling units located in a condominium association, homeowners association, or cooperative association, where the association's bylaws, master deed, or other relevant governing document permits short-term rentals and where the owner of the unit legally identifies an address within the association as his or her principal residence; and
  - (2) Individually or collectively owner-occupied single-family residences; and
  - (3) Two dwelling units within a two-family residential dwelling, where one unit is owner-occupied as that term is defined in this section.
- C. Short-term rentals shall not be permitted in a multiple dwelling in which rent is: set by the United State Department of Housing and Urban Development (HUD), set by a State agency, or set by an agreement between the City and the owner/developer.
- D. The following shall not be permitted to operate as short-term rentals pursuant to this section: rooming house, dormitory, public or private club, convalescent home, rest home, home for aged people, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, senior housing, nursing homes, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.
- E. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis, or operated as a STRP by the tenant except as provided below. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this section will result in enforcement action against the tenant, the STRP owner, the short-term rental agent, and the responsible party, and will subject all such parties to the issuance of a summons and levying of fines and/or penalties.

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- F. If, at the time of the adoption of this chapter, an owner is operating a property as short-term rental, it may continue to operate a non-owner-occupied property as a short-term rental, provided that the following conditions are met:
- (1) The short-term rental property is registered with the City as of the date of adoption of this ordinance, notwithstanding the owner-occupied requirements;
  - (2) A designated individual must be available to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property; and
  - (3) The non-owner-occupied property is in compliance with the remainder of this chapter.
- G. If, at the time of the adoption of this chapter, a currently operating short-term rental that is not eligible for a short-term rental permit under this chapter has an existing contract with a transient occupant to use the short-term rental for some period of time before January 1, 2024, the requirements of this chapter shall not apply to the pre-existing contract. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the City, provide documentation indicating that:
- (1) The short-term rental was in operation before the adoption of this chapter; and
  - (2) The short-term rental contract was made before the adoption of this Chapter. If the requested documentation is not provided to the City within twenty (20) days of the request, it shall constitute a violation of this chapter.
- H. If, at the time of the adoption of this chapter, a short-term rental property is being operated by a tenant, the tenant may continue to do so without a permit as prescribed by this chapter for the duration of the lease or until January 1, 2024, whichever occurs sooner. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the City, provide documentation indicating that:
- (1) the short-term rental was in operation before the adoption of this Chapter; and
  - (2) that the tenant-operator's lease was not renewed after the adoption of this Chapter. If the requested documentation is not provided to the City within twenty (20) days of the request it shall constitute a violation of this Chapter.

**§ 5-11.3 - Short-term rental permit; permit registration fee/application.**

- A. In addition to any land use requirement(s) set forth in the City of Lambertville land use regulations, the owner/operator of a short-term rental property shall obtain a short-term rental permit from the City of Lambertville, before renting or advertising for rent any short-term rental. The application for a short-term rental permit must meet the following initial requirements to be considered:

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- (1) For existing short-term rentals, the applicant must not have had more than one documented dangerous condition, as defined in this section, within the last year; and
  - (2) For existing short-term rentals, the applicant must have no violations of the City of Lambertville's Noise Ordinance, located in Chapter 4-2.1 and Chapter 4-2.2 of this Code, within the last two years. A violation of the Noise Ordinance means a documented violation by the City of Lambertville Municipal Court; and
  - (3) In the event that any code violations have been issued by the City relating to the STRP, a short-term rental permit shall not be issued until such time as such violations have been properly abated. The STRP owner must also close any open construction permits for the property prior to the issuance of a short-term rental permit; and
  - (4) The applicant must be current with all city taxes, water, and sewage charges; and
  - (5) All fines or penalties issued by the Municipal Court for the City of Lambertville for any past code violations relating to the STRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of a short-term rental permit.
- B. No person or entity shall operate a STRP, or advertise a residential property for use as a STRP, without the owner/operator of the property first having obtained a STR permit issued by the City. The failure to obtain a valid STR permit prior to using or advertising the STRP in any print, digital, or internet advertisement or web-based platform, and/or in the multiple listing service (hereinafter "MLS") or any realtor's property listing shall be a violation of this chapter. No STR permit issued under this section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.
- C. An owner of property, intended to serve as a STRP, or any agent acting on behalf of the owner, shall submit to the City a STR permit application provided by the City, along with a registration fee of two hundred fifty dollars (\$250.00). Said fee shall be non-refundable, including in the event that the application is denied.
- D. A short-term rental permit shall be renewed on or by April 1 of each year, by submitting to the City, a short-term rental permit application, and a registration fee of two hundred and fifty dollars (\$250.00). A penalty of \$50.00 shall apply to any application submitted after April 1. Applications received after June 30 will be subject to a penalty fee of \$100. Applications received after September 30 will be subject to a penalty fee of \$150.00.
- E. All short-term rentals must comply with Chapter XI, Fire Prevention and pay the necessary fees.
- F. The short-term rental permit shall expire automatically when the STRP changes ownership, and a new initial application and registration fee will be required in

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the event that the new owner intends to use the property as a STRP. A new application shall also be required for any STR that had its short-term rental permit revoked or suspended.

**§ 5-11.4 - Application process for short-term rental permit and inspections.**

- A. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the City. The application shall be furnished on a form specified by the Clerk's Office, accompanied by the non-refundable application fee as set forth in Section 5-11.3 above. Such application shall include:
- (1) The name, address, telephone number and email address of the owner(s) and, if applicable, designated person of record of the dwelling unit, pursuant to Subsection 5-11.2.F herein, for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including street address, email address and telephone numbers for each of them;
  - (2) The address of the proposed STR;
  - (3) The owner's sworn acknowledgement that he/she is in compliance with the requirement that the STRP constitutes the owner's or, if applicable, the principal residence of the designated person pursuant to Subsection 5-11.2.F herein, as defined in this section;
  - (4) The name, address, telephone number and email address of the short-term rental property agent or designated responsible party, which shall constitute his /her seven-day a week, twenty-four-hour a day contact information;
  - (5) Copies of the most recent tax payment and sewer utility payment from the STRP that are less than thirty (30) days old; and
  - (6) The owner's sworn acknowledgement that he/she has received a copy of this chapter, has reviewed it, understands its requirements, and certifies as to the accuracy of all information provided in the permit application;
  - (7) The number and location of all off-street parking spaces available to the premises. The owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street parking in the neighborhood in which the STR is located, resulting from excessive vehicles generated by the STR of the property, in order to avoid a shortage of parking for residents in the surrounding neighborhood;
  - (8) The owner's agreement that all renters of the STRP shall be limited to one vehicle per two occupants in the STRP;
  - (9) The owner's agreement to use his or her best efforts to assure that use of the STRP by all transient occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
  - (10) If an owner is applying for a short-term rental permit for a property that is not owner-occupied, in accordance with Subsection 5-11.2.F of this chapter, the owner must provide documentary proof that the non-owner-occupied

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property was in use as a short-term rental property at the time of adoption of this chapter; and

- (11) Any other information that this chapter requires a property owner to provide to the City in connection with an application for a certificate of occupancy. The Mayor, or their designee, shall have the authority to obtain additional information from the STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this chapter; and
- (12) Proof of the owner's current ownership of the short-term rental unit;
- (13) Proof of general liability insurance in a minimum amount of five hundred thousand dollars (\$500,000.00);
- (14) Proof that the owner has paid, or has registered to make payment, to the State of New Jersey of any transient occupancy tax for any short term rental property, which properties are subject to taxation pursuant to *N.J.S.A. 54:32B-3(d)*.

- B. Every initial application for a short-term rental permit shall require documentation indicating that the property has been inspected for compliance with the City's fire safety regulations and lead-based paint regulations. Thereafter, upon renewal, the applicant must present documentation that the property has been inspected for continued compliance with the City's fire safety and lead-based paint regulations.
- C. A zoning compliance certificate, which states that the premises are not being occupied or used in violation of the City's Land Use Regulations and Zoning Ordinances, shall be required with the initial application.
- D. The STRP owner /permit holder shall publish the short-term rental permit number issued by the City in every print, digital, or internet advertisement, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, in which the STRP is advertised for rent on a short-term basis.
- E. In no event shall a STRP be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing the short-term rental agreement and the STRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the STRP is not occupied by at least one adult over the age of twenty-one (21) during the term of the STR. No one under eighteen (18) years of age shall be permitted on the premises of a STRP unless they are accompanied by their legal guardian.

**§ 5-11.5 - Issuance of permit and appeal procedure.**

- A. Once an application is submitted, complete with all required information and documentation and fees, the City, following any necessary investigation for compliance with this section, shall either issue the short-term rental permit or



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issue a written denial of the permit application, with the reasons for such denial being stated therein within thirty (30) days, provided access to the STRP is provided by the owner or owner's STR agent.

- B. If denied, the applicant shall have ten business days to appeal the denial, in writing, to the City Clerk.
- C. Within thirty (30) days thereafter, the Mayor or his/her designee shall hear and decide the appeal.

**§ 5-11.6 - Short-term rental operational requirements.**

- A. All STRs must comply with all applicable rules, regulations and ordinances of the City of Lambertville and all applicable rules, regulations and laws of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the STR is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a STR.
- B. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a STRP.
- C. Transient occupants of the STRP shall comply with all ordinances of the City of Lambertville including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the responsible party, and the short-term rental agent listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP permit.
- D. The owner of a STRP shall post the following information in a prominent location within the STR:
  - (1) Owner name, and if owner is an entity, the name of a principal in the entity, email address and phone number for the principal;
  - (2) The names, email addresses, and phone numbers for the responsible party and the short-term rental agent as those terms are defined in this Chapter;
  - (3) The phone numbers for the Lambertville Police Department;
  - (4) The maximum number of designated parking spaces available for STR use onsite;
  - (5) Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;
  - (6) Notification that a guest, transient occupant, the short-term rental property agent, the responsible party or STRP owner may be cited or fined by the Lambertville Police Department or the City of Lambertville for violations of, and in accordance with any applicable ordinance(s) of the City of Lambertville;
  - (7) A copy of Lambertville's Community Emergency Response Team (C.E.R.T) Emergency Checklist and Plan.

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- E. If any of the information required by Subsection E above is inaccurate while displayed in the STR, it shall constitute a violation of this chapter.
- F. In the event that any complaints are received by the Lambertville Police Department, or the City of Lambertville regarding the STR and/or the transient occupants and the owner of the STRP is unreachable or unresponsive, both the responsible party and the short-term rental agent listed in the short-term rental permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.
- G. While a STRP is rented, the owner, the short-term rental agent, or the responsible party shall be available twenty-four (24) hours per day, seven days per week for the purpose of responding within two hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Lambertville Police Department, or neighbors, arising by virtue of the short-term rental of the property.
- H. If the STRP is the subject of three or more substantiated complaints, the Mayor or his/her designee shall revoke the short-term rental permit issued for the STRP, in which case, the STRP may not be the subject of a new STRP permit application for one year following the date of revocation of the permit. The Mayor or his/her designee shall retain the discretion to revoke a short-term rental permit in the event of a single substantiated complaint if, in his/her sole discretion, the interests of the City and its residents justify immediate revocation. In the event that an STRP is the subject of a civil and /or criminal complaint and/or code violation that involves a dangerous condition, as defined in this section, the Mayor or his/her designee may, at their sole discretion, suspend the STRP's short-term rental permit pending substantiation.
- I. In the event that the City receives two (2) substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the short-term rental permit for the property is subject to revocation by the Mayor or his/her designee.
  - (1) When the City receives notice of a civil and/or criminal complaint and/or code violation at a STRP as outlined in Subsections 5-11.6.H and I above, the City shall issue a written notice revocation or suspension, as applicable, of the short-term rental permit with the reasons for such revocation or suspension being stated therein within thirty (30) days.
  - (2) The applicant shall have ten (10) business days to appeal the revocation or suspension, in writing, to the City Clerk.
  - (3) Within thirty (30) days thereafter, the Mayor or his/her designee shall hear and decide the appeal.

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- J. Failure to make application for, and to obtain the issuance of, a short-term rental permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, shall be equivalent to operation of the STRP without a permit, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a summons, and shall subject the STRP owner, the short-term rental agent, and the responsible party to issuance of fines and/or penalties.

**§ 5-11.7 - Violations and penalties.**

- A. A violation of any provision of this chapter may subject the STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents to fines assessed by the Court up to two thousand dollars (\$2,000.00) per violation, but not less than one hundred and fifty dollars (\$250.00) per violation per day that the violation exists.
- B. The STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents shall have thirty (30) days to cure the violation. Within the thirty-day period, at the STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents' request, they shall be afforded a hearing before a Lambertville Municipal Court Judge for an independent determination concerning the violation.
- C. Subsequent to the expiration of the thirty-day period, the fine shall be imposed if a Court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

INTRODUCED FOR FIRST READING: October 19, 2023

PUBLIC HEARING AND SECOND READING: November 16, 2023

**XII. CORRESPONDENCE**

- a. JCP&L: Review and Approval of Increases and Other Adjustments to Rates and Charges for Electric Service and for approval of Other Proposed Tariff Revisions
- b. NJ TRANSIT: Public Hearing Notice scheduled for December 6, 2023.
- c. STATE OF NEW JERSEY DOT: Church Street One Way Conversation Update

**XVII. XVIII. ANNOUNCEMENTS**

CATALYTIC CONVERTER THEFT

DRJTBC Update

SCHEDULE OF 2024 REORGANIZATION MEETINGS

CITY COUNCIL, Monday, January 1, 2024, at 11:00 a.m.

PLANNING BOARD, Wednesday, January 3, 2024, at 7:00 p.m.

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LIBRARY BOARD, Tuesday, January 9th, 2024, at 7:00 p.m. at the Lambertville Free Public Library at 6 Lilly Street

HUMAN RIGHTS COUNCIL, Monday, January 8, 2024, at 7:00 p.m.

HISTORIC PRESERVATION COMMISSION, Tuesday, January 9, 2024, at 7:30 p.m.

PARKS & RECREATION COMMISSION, Wednesday, January 10, 2024, at 7:00 p.m.

SHADE TREE COMMISSION, Monday, January 22, 2024, at 7:30 p.m.

ENVIRONMENTAL COMMISSION, Wednesday, January 31, 2024, at 7:00 p.m.

ZONING BOARD OF ADJUSTMENT, Thursday, January 25, 2024, at 7:30 p.m.

BROADBAND, CABLE AND TELEPHONE SERVICES ADVISORY COMMITTEE, Monday, January 29, 2024, at 7:00 p.m.

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY, Tuesday, February 6, 2024, 6 p.m. at the LMUA located on Station Court in the City

OFFICE OF EMERGENCY MANAGEMENT, Thursday, February 8, 2024, at 2:30 p.m.

All meetings at held at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City unless otherwise noted.

**IXX. PUBLIC PARTICIPATION**

**XXI. ADJOURNMENT**