

PUBLIC NOTICE
BOROUGH OF WENONAH

**NOTICE OF CHANGE OF START TIME OF REGULAR COUNCIL MEETING AND
PUBLIC PARTICIPATION FOR THE MEETING SCHEDULED FOR
THURSDAY, JULY 23, 2020.**

PLEASE TAKE NOTICE. WE ARE RESUMING THE REGULAR COUNCIL MEETING START TIME 7:30
PM

THE MEETING FORMAT HAS BEEN CHANGED FROM IN-PERSON ATTENDANCE AT THE MUNICIPAL
BUILDING, 1 SOUTH WEST AVENUE, TO HYBRID MEETING ALLOWING TELECONFERENCE DUE TO
COVID-19.

THE PUBLIC MAY ATTEND THIS MEETING VIA TELECONFERENCING AND COMMENT DURING THE
DESIGNATED PUBLIC COMMENT PORTION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS
ACT. THE PUBLIC MAY ALSO ATTEND WITH LIMITED SEATING DUE TO THE EXECUTIVE ORDERS
OF THE GOVERNOR.

TO JOIN THE MEETING FROM A LANDLINE OR MOBILE PHONE:
DIAL TELEPHONE#: 1 (425) 436-6386
THEN ENTER ACCESS CODE: 897987#

OFFICIAL ACTION TO BE TAKEN.

KAREN L. SWEENEY, RMC/ADM
MUNICIPAL CLERK
BOROUGH OF WENONAH

POSTED: JULY 23, 2020

**AGENDA
BOROUGH OF WENONAH
REGULAR BUSINESS MEETING
JULY 23, 2020**

I. OPENING:

- a. Call to Order 7:30pm
- b. Flag Salute
- c. Roll Call
- d. Open Public Meetings Act Statement
- e. Adoption of Agenda

II. PRIVILEGE OF THE FLOOR

III. BUSINESS: RESOLUTIONS & ORDINANCES

Motion to Approve minutes of June 25, 2020

ORDINANCE 2020-9: 2nd read:

Ordinance 2020-10 General Capital Bond ordinance for \$1,013,000 various roadway improvements

Open Public Hearing – Close Public Hearing – Roll Call

Ordinance 2020-11: 2nd read:

Utility Capital Bond ordinance appropriating \$3,748,000 for the issuance of bond or notes to various utility improvements

Open Public Hearing – Close Public Hearing – Roll Call

Resolution 2020-68: Authorizing the Tax Collector to transfer or refund overpayment of taxes of \$1,595.82 Block 25 Lot 3

Resolution 2020-69: Approving Municipal Alliance Fiscal Year 2020-2021 reduction of funds

Resolution 2020-70: Approving the adjustment of Municipal Alliance Allocation

Resolution 2020-71: Approving the addition of Clean Communities funds of \$5,701.44 into the 2020 Municipal Budget

Resolution 2020-72: Authorizing cancel trust reserves and grant receivable in the amount of \$660.96

Resolution 2020-73: Approving the withdrawal from LOSAP funds for Leonard Campbell

Ordinance 2020-12: 1st read Amending Chapter 72 Amending Low and Moderate Residential District entitled Zoning

Ordinance 2020-13: 1st read Amending Chapter 72 Amending Senior Citizen Overlay District entitled Zoning

Ordinance 2020-14: 1st read Adopting /Creating New Chapter 38 Pawn Shop

COMMITTEE REPORTS:

- a. Public Safety & Personnel – Susan Mayer
- b. Public Works – Dan Cox
- c. Human Services – Anthony Fini
- d. Finance & Budget – Jessica Doheny
- e. Legal & Ordinance – Peter Fu
- f. Public Buildings & Grounds – Jonathan Barbato

II. ENGINEERS REPORT:

III. APPROVE DISBURSEMENTS

IV. MISCELLEANEOUS

One night of song and dance

V. PRIVILEGE OF THE FLOOR

VI. ADJOURN

NOTICE PURSUANT TO N.J.S.A 10:4-8(d)

The items listed on this tentative agenda of the Mayor and Council of the Borough of Wenonah constitutes the agenda to the extent known at the time of posting. Since this agenda is tentative, items may be added and/or deleted prior to the commencement of the meeting. Formal action may or may not be taken regarding each item listed on the final agenda.

RESOLUTION 2020-68

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO TRANSFER OR REFUND OVERPAYMENT OF TAXES

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Wenonah, County of Gloucester, and State of New Jersey, that it hereby authorizes the Tax Collector to process the following Transfers or refunds as noted:

| | | |
|----------------|-----------|-------------------|
| Block 25 Lot 3 | Corelogic | \$1,595.82 Refund |
|----------------|-----------|-------------------|

BE IT FRTHER RESOLVED, that a certified copy of the resolution be forwarded to the Tax Collector, the Chief Financial Officer and the Municipal Auditor.

ADOPTED at meeting of the Borough Council of the Borough of Wenonah, County of Gloucester and State of New Jersey held July 23, 2020

BOROUGH OF WENONAH

BY: _____
JOHN R. DOMINY, Mayor

ATTEST:

KAREN L. SWEENEY
Municipal Clerk

BOROUGH OF WENONAH

RESOLUTION NO. 2020-69

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Wenonah, County of Gloucester, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Gloucester;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Wenonah, County of Gloucester, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Wenonah Municipal Alliance grant for fiscal year 2020-21 in the amount of:

| | |
|------------|-------------|
| DEDR | \$ 2,000.00 |
| Cash Match | \$ 500.00 |
| In-Kind | \$ 1,500.00 |
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
John R. Dominy, Mayor

CERTIFICATION

I, Karen L. Sweeney, Municipal Clerk of the Borough of Wenonah, County of Gloucester, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 23rd day of July, 2020.

Karen L. Sweeney, Municipal Clerk

BOROUGH OF WENONAH

RESOLUTION NO. 2020-70

ADJUST 2020 BUDGET FOR REVISED MUNICIPAL ALLIANCE GRANT ALLOCATION

WHEREAS, the Borough was notified on June 30, 2020 that the 2020-21 Municipal Alliance Grant Allocation has been reduced; and

WHEREAS, the Borough adopted the 2020 Budget on June 25, 2020 with the original Municipal Alliance Grant Allocation as detailed in the correspondence dated January 3, 2020; and

WHEREAS, it is necessary to adjust the 2020 Budget for the reduction in 2020-21 Municipal Alliance Grant Allocation as follows:

| | |
|---|--------------------|
| Municipal Alliance Grant Revenue | \$ 5,000.00 |
| Municipal Alliance Grant Appropriation | \$ 6,250.00 |

BE IT RESOLVED, that the adjustment listed above be reduced and that the Chief Financial Officer record this action in the books and records of the Borough of Wenonah.

Adopted: July 23, 2020

APPROVED:

JOHN R. DOMINY, MAYOR

ATTEST:

KAREN L. SWEENEY, MUNICIPAL Clerk

BOROUGH OF WENONAH

RESOLUTION NO. 2020-71

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough has received from the State of New Jersey Department of Environmental Protection, Clean Communities Program of \$5,701.44 and wishes to amend its 2020 Current Fund Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing body of the Borough of Wenonah hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget of the year 2020 in the sum of \$5,701.44 which has been awarded and is available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Clean Communities Program

BE IT FURTHER RESOLVED that a like sum of \$5,701.44 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations - Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

Clean Communities Program

BE IT FURTHER RESOLVED, That the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Adopted: July 23, 2020

Signed: _____
JOHN R. DOMINY, MAYOR

Attest: _____
KAREN L. SWEENEY, MUNICIPAL Clerk

BOROUGH OF WENONAH

RESOLUTION NO. 2020-72

CANCEL TRUST RESERVES AND GRANT RECEIVABLE

WHEREAS, there are dormant Trust Reserves and an inactive Grant Receivable that remain on the Borough books, it is the recommendation of the Chief Financial Officer that these balances be canceled; and

WHEREAS, the following is the detail of the Trust Balances and Grant Receivable to be canceled:

| <u>Trust Reserve</u> | <u>Amount</u> |
|---|------------------|
| Reserve for Municipal Alliance – Program Income | \$ 122.05 |
| Reserve for Thumb’s Up | <u>558.81</u> |
| Total | <u>\$ 660.86</u> |

| <u>Grant Receivable – Current Fund</u> | <u>Amount</u> |
|--|---------------|
| NJ Forestry Program | <u>\$.10</u> |

BE IT RESOLVED, that the dormant Trust Reserves and Grants Receivable listed above be canceled and that the Chief Financial Officer record this action in the books and records of the Borough of Wenonah.

Adopted: July 23, 2020

APPROVED:

JOHN R. DOMINY, MAYOR

ATTEST:

KAREN L. SWEENEY, MUNICIPAL CLERK

RESOLUTION #R- 2020-73

“Resolution of the Borough of Wenonah, County of Gloucester, State of New Jersey, authorizing the Withdrawal of LOSAP FUNDS for Leonard R. Campbell

WHEREAS, Leonard R. Campbell a long-time member of the Wenonah Fire Department within the Borough of Wenonah has requested a withdrawal of funds in an amount not to exceed \$10,000; and

WHEREAS, it has been determined through the Lincoln Financial Corporation that Leonard R. Campbell is eligible for a withdrawal; and

WHEREAS, it is the desire of the Borough of Wenonah to approve this transaction for an amount not to exceed \$10,000;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Wenonah the approval of Leonard R. Campbell withdrawal of his current balance from the LOSAP account.

Mayor, John R. Dominy

ATTEST:

Karen L. Sweeney, Municipal Clerk

July 23, 2020

Borough of Wenonah
Gloucester County, New Jersey

Ordinance No. 2020-12

**AN ORDINANCE AMENDING CHAPTER 72
OF THE CODE OF THE BOROUGH OF WENONAH
ENTITLED "ZONING"**

WHEREAS, the Mayor and Council of the Borough of Wenonah have determined that certain amendments to the Code of the Borough of Wenonah are required.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Wenonah that Chapter 72 ("Zoning") of the Code of the Borough of Wenonah is hereby amended in its entirety as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through thus):

Appendix G – Amended Low and Moderate Residential District

§ 705. LMR – Low & Moderate Residential District.

- A. Purpose. The purpose of the LMR Low & Moderate Residential District *is to provide a realistic opportunity* for the Borough of Wenonah's *to meet its* fair share of affordable housing units pursuant to the Fair Housing Act of 1985 (N.J.S.A. 52:27D-301, et seq.). any development in an LMR district shall provide low and moderate income housing units ~~in accordance with the promulgated rules and regulations of the Council on Affordable Housing (N.J.A.C. 5:92-1, et seq.)~~ *as defined in the Fair Housing Act and the Borough's Affordable Housing Ordinance. The LMR Low & Moderate Income Residential District may be applied as the base zoning district or as an overlay district as depicted on the Zoning Map.*
- B. Use Regulations. A building may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other:
1. Single family ~~residential~~ attached *dwellings*.
 2. Community residences for up to fifteen (15) developmentally disabled persons; community shelters for victims of domestic violence and community residences for persons with head injuries, serving not more than six (6) persons, pursuant to N.J.S.A. 40:55D-661.
 3. Multi-family residential dwellings, *excepting overlay districts*.

4. The following uses when authorized by the Combined Planning Board as a conditional use, pursuant to Section 408:
 - a) Child care center.
 - b) Community shelters for victims of domestic violence and community residences for persons with head injuries, serving more than six (6) persons and not more than fifteen (15) persons, pursuant to N.J.S.A. 40:55D-66.1, in accordance with the provisions of Section 711.L.
5. Accessory uses which are customarily incidental to the residential use of the lot:
 - a) Management office for the operation of the residential complex.
 - b) Laundry for the exclusive use of residents.
 - c) Maintenance room for the storage of supplies and equipment used in the operation of the residential complex.
 - d) Family day care home.
6. ***Required Use. A minimum of twenty percent (20%) of all units marketed as for-sale dwellings and a minimum of fifteen percent (15%) of all units marketed as rental dwellings shall be affordable to low and moderate income households as defined herein.***

C. Area, yard, height, and coverage regulations [Ord. 2012-9 10/11/12]

1. Minimum Tract Area: Two (2) acres.
2. Minimum Tract Frontage: ~~Two hundred (200)~~ **Sixty (60)** feet on a state or county highway.
3. Maximum Density:
 - a) Eight (8) units to the acre ***where the zoning map depicts the LMR-1 district.***
 - b) ***Six (6) units to the acre where the zoning map depicts the LMR-2 Overlay district.***
 - c) Eight (8) units to the acre ***where the zoning map depicts the LMR-3 Overlay district.***
4. Maximum Building Area: Thirty percent (30%) of total area.
5. Maximum impervious surface coverage: Sixty percent (60%).


6. Building Setbacks and Distances. The following setback of any building from property lines and minimum distances between buildings in a multiple building development shall be maintained:
 - a) Building setback from a street line: fifty (50) feet.
 - b) Building setback from a side or rear property line: Forty (40) feet.
 - c) Minimum distances between buildings: Thirty-five (35) feet
7. Minimum setbacks for parking areas:
 - a) From a street: Twenty (20) feet.
 - b) From a tract perimeter: Twenty-five (25) feet.
 - c) Where ninety degree (90°) parking is placed against a building, there shall be ten (10) feet wide *space separation from the building*.
8. Height. No building shall exceed thirty-five (35) feet in height.
9. Minimum dwelling width for single family attached dwellings: Eighteen (18) feet.
10. Maximum building length through the long axis or axes: One hundred eighty(180) feet.
11. Additional area and yard requirements for units marketed on a fee simple basis:
 - a) Minimum lot size: One thousand two hundred (1,200) sq. ft.
 - b) Minimum lot frontage and width: Eighteen (18) feet.
12. Each building shall contain central laundering facilities unless each unit is supplied with an area devoted to such use.

Section 702. Classification of Districts

B. Zoning Map

The zoning map of the Borough of Wenonah shall be revised in the following manner:

1. Block 4, Lot 39 shall be re-designated from LMR to LMR-1.
2. Block 4, Lots 36.01, 37.01, 38, 39, 41.02 and 42.04 shall be additionally designated with an LMR-2 Overlay District.

3. Block 66.02, Lots 10 and 11 shall be additionally designated with an LMR-3 Overlay District.
2. The LMR district presently applying to Block 4, Lot 42.03 shall be replaced by the  Commercial District.

I, Karen Sweeney, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance introduced on _____, and adopted on final reading by the Borough Committee of the Borough of Wenonah at a regular and duly convened meeting held on July _____, 2020.

In witness thereof, I have set my hand and affixed the seal of the Borough of Wenonah this _____ day of _____ 2020.

Karen Sweeney, RMC/ADMIN/QPA
Municipal Clerk, Wenonah Borough

Borough of Wenonah
Gloucester County, New Jersey

Ordinance No. 2020-13

**AN ORDINANCE AMENDING CHAPTER 72
OF THE CODE OF THE BOROUGH OF WENONAH
ENTITLED "ZONING" TO INCLUDE
SECTION 706 "SENIOR CITIZEN OVERLAY DISTRICT"**

WHEREAS, the Mayor and Council of the Borough of Wenonah have determined that certain amendments to the Code of the Borough of Wenonah are required.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Wenonah that Chapter 72 ("Zoning") of the Code of the Borough of Wenonah is hereby amended to include Section 706 "Senior Citizen Overlay District," as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through thus):

§706. Senior Citizen Overlay District.

- A. Purpose. The senior citizen overlay district is intended to provide an area for the development of high quality age-restricted housing in accordance with the Federal Fair Housing Amendments Act of 1988 (24 CFR Part 14, et al.) as it may be amended or superseded. *Any development in the Senior Citizen Overlay District shall include low- and moderate-income housing units as defined in the Fair Housing Act and the Borough's Affordable Housing Ordinance.*
- B. Relationship of Overlay District to Underlying District. A person with suitable interest in property depicted within the Senior Citizen Overlay District as indicated on the Zoning Map may make application to the combined Planning Board for development approval under the regulations for either the underlying or overlaying district.
- C. Use Regulations. Any use in the Senior Citizen District shall be limited in residency to those persons over the age of 55 in accordance with the purpose of this District. A building may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other:
 1. Single family detached dwellings.
 2. Single family attached dwellings.
 3. Community residences for up to fifteen (15) developmentally disabled persons; community shelters for victims of domestic violence and community residences for

persons with head injuries, serving not more than six (6) persons, pursuant to N.J.S.A. 40:55D-66.1.

4. The following uses when authorized by the combined Planning Board as a conditional use, pursuant to Section 408:
5. Community shelters for victims of domestic violence and community residences for persons with head injuries, serving more than six (6) persons and not more than fifteen (15) persons pursuant to N.J.S.A. 40:55D-66.1, in accordance with the provisions of Section 711.I.
6. Major home occupations, as accessory uses, in accordance with the provisions of Section 711.J.
7. Accessory uses which are customarily incidental to the residential use of a lot, including, but not limited to:
 - a. Private garages, pools, gazebos, and similar accessory structures;
 - b. Minor home occupations in accordance with the standards below and engaged in by members of the immediate family;
 - (1) The use shall not occupy more than 500 square feet, nor more than 20% of the gross floor area (GFA) of the detached dwelling, whichever is less, excluding the area of garages, unfinished portions of basements and the attics in the calculation of gross floor area.
 - (2) The area of the use shall not contain any kitchen or bathroom facilities which are separate from the remainder of the detached dwelling unit.
 - (3) The area shall have only typical office equipment, e.g., computers, telefax machines, telephones and copying machines and other equipment customarily used in the occupation, e.g., woodworking equipment, sewing machines, etc.
 - (4) In no case shall any noise from equipment used in a home occupation be audible beyond the property line.
 - (5) No supplies or furnishings shall be permitted other than typical office-type supplies and furnishings.
 - (6) No evidence of the area used for the home occupation shall be shown to the outside of the dwelling unit, and no area used for a home occupation shall be constructed, used, or maintained in any

manner that detracts from the residential character of the immediate neighborhood.

- (7) No persons shall be permitted on the property regarding the use other than people making deliveries or service calls as otherwise might occur on the property regarding the dwelling units.
- (8) Signs indicating the presence of a home occupation are prohibited.
- (9) Baby sitting or child care services for less than three (3) children under 13 years of age are permitted without additional approvals. Providers of child care and/or babysitting services for 3 to 5 children below 13 years of age must be registered as a family day care home with the New Jersey Division of Youth and Family Services. (See the definition of Family Day Care Home for exclusions of family member and cooperative arrangements from the count of children served.)

c. Family day care home.

d. The renting of not more than one (1) room, in a single-family dwelling to not more than two (2) tenants, but not to include a boarding house.

e. Other accessory uses customarily permitted in single-family residential districts.

8. Required Use. A minimum of twenty percent (20%) of all units marketed as for-sale dwellings and a minimum of fifteen percent (15%) of all units marketed as rental dwellings shall be affordable to low- and moderate-income households as defined herein.

D. Area, yard, height, and coverage regulations.

1. Single family detached dwellings.

a. Minimum Lot Area: Six thousand (6,000) sq. ft.

b. Minimum Lot Frontage and Width: Forty (40) ft.

c. Yards. Front, side and rear yards shall be provided on each lot as follows:

- (1) Front yard: One (1) yard, not less than seventeen (17) feet in depth, but in no case less than the shortest front yard on the same side of the street in the block in which the lot is located, provided that no front yard greater than forty (40) feet shall be required;

- (2) Side yards: Two (2) yards, not less than eight (8) feet in aggregate width, and neither less than three (3) feet, provided that in the case of a corner lot, any yard which abuts a street shall be not less than seventeen (17) feet in width;
- (3) Rear yard: There shall be a rear yard on each lot which shall be not less than fifteen (15) feet in depth, except as provided in Section 711.M.

2. Single family attached dwellings.

- a. Minimum Tract Area: Two (2) acres.
- b. Minimum Tract Frontage: Two hundred (200) feet.
- c. Maximum Density: Seven (7) units per acre.
- d. Maximum Building Area: Twenty-five Percent (25%) of total lot area.
- e. Maximum impervious surface coverage: Fifty percent (50%).
- f. Building Setbacks and Distances. The following setback of any building from property lines and minimum distances between buildings in a multiple building development shall be maintained:
 - (1) Building setback from a street line: Seventeen (17) feet.
 - (2) Minimum distances between buildings: Twenty-five feet.
- g. Minimum setbacks for parking areas:
 - (1) From a dwelling: Excepting private garages and driveways thereto, ten (10) feet.
 - (2) No parking area, excepting private garages and driveways thereto, shall be located between a building and a street existing at the effective date of this Ordinance.
- h. Minimum dwelling width: Eighteen (18) feet.
- i. Maximum number of dwelling units in one building: Four (4) units.
- j. Additional area and yard requirements for units marketed on a fee simple basis:
 - (1) Minimum lot size: One thousand two hundred (1,200) sq. ft.

(2) Minimum lot frontage and width: Eighteen (18) feet.

3. Height. No building shall exceed thirty-five (35) feet in height.

E. Additional Planning and submission Requirements for the Senior Citizen Overlay District.

1. Neighborhood Context Plan. In addition to the submission requirements for subdivision or site plan approval pursuant to Article V of this Ordinance, an applicant shall submit a neighborhood context plan at a scale no less than one (1) inch equals one hundred feet that indicates all buildings and their location on lots within 200 feet in relation to the subject tract.
2. Photographs. A linear photographic montage shall be made indicating, from street view, the principal facades of all buildings facing the subject tract.
3. Any proposed development within the Senior Citizen Overlay District shall utilize the information in 706.E.1 and 706.E.2. as a guide to determine the general appearance, size, architectural style and period, and exterior building materials of any new style and period, and exterior building materials of any new buildings. New buildings shall be designed and erected to maintain the general appearance of the surrounding buildings with regard to such architectural style and period, size, height and exterior building materials.
4. When determining the architectural style, period, area dimensions, height, fenestration, exterior materials, etc., of a new building, the combined Planning Board shall recognize modern materials which are intended to replace older patterns of wood and/or obsolete building materials, either no longer in existence or no longer practical for use in modern construction.
5. In establishing architectural period, general appearance, required setbacks, and height and bulk of a proposed structure, the Combined Planning Board may retain the services of qualified registered architects to assist in evaluating the existing and proposed architectural character.

I, Karen Sweeney, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance introduced on _____, and adopted on final reading by the Borough Committee of the Borough of Wenonah at a regular and duly convened meeting held on _____, 2020.

In witness thereof, I have set my hand and affixed the seal of the Borough of Wenonah this ___ day of _____ 2020.

Karen Sweeney, RMC/ADMIN/QPA
Municipal Clerk, Wenonah Borough

**BOROUGH OF WENONAH
GLOUCESTER COUNTY, NEW JERSEY**

Ordinance No. 2020-14

**AN ORDINANCE ADOPTING
CHAPTER 38 ENTITLED "PAWN SHOPS: DEALERS IN PRECIOUS METALS, GEMS
AND GEMSTONES, AND DEALERS IN SECONDHAND GOODS" OF THE CODE
OF THE BOROUGH OF WENONAH**

WHEREAS, pursuant to N.J.S.A. 45:22-2 et seq. implement within the boundaries of the Borough of Wenonah and establish procedures compliant with said statute;

WHEREAS, the Mayor and Council of the Borough of Wenonah have determined that certain amendments to the Code of the Borough of Wenonah are required.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Wenonah that Chapter 38 of the Code of the Borough of Wenonah is hereby adopted as follows:

**Chapter 38: DEALERS IN PRECIOUS METALS, GEMS AND GEMSTONES, AND
DEALERS IN SECONDHAND GOODS**

- § 38-1. **Purpose and intent.**
- § 38-2. **Definitions.**
- § 38-3. **Responsibilities.**

[HISTORY: Adopted by the Borough Council of the Borough 08-27-2020 as Ord. No. 2020-##.

§ 38-1. Purpose and intent.

The purpose and intent of this chapter is to assist law enforcement officials in recovering stolen precious metals, gems, gemstones and/or other articles by requiring minimum reporting, maintenance and distribution criteria for secondhand and transient dealers.

No person shall use, exercise or carry on the business, trade or occupation of buying scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVR's, GPS, camcorders, car stereos, gift cards, furniture, clothing or other valuable articles or any item that contains a serial number/identification number or other distinctive marker, hereinafter referred to as "secondhand goods or articles," or being a secondhand dealer within the Borough without first obtaining a license from the Borough.

§ 38-2.

Definitions.

A. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings ascribed herein. Words used in the present tense shall include the future, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

B. As used in this chapter, the following terms shall have the meanings herein:

ADVERTISE and/or ADVERTISEMENT – Any attempt directly or indirectly by publication, dissemination, solicitation, endorsement or circulation or in any other way to induce directly or indirectly any person to enter or not enter into any obligation or acquire any title or interest in any article.

APPLY and/or APPLIED – Any method or means of application or attachment to, or of use on, or in connection with, or in relation to, an article whether such application, attachment, or use is to, on, by in or with:

(1) The article itself; or

(2) Anything attached to the article; or

(3) Anything to which the article is attached; or

(4) Anything in or on which the article is; or

(5) Anything so used or placed as to lead to a reasonable belief that the mark on that thing is meant to be taken as a mark on the article itself. Or as so defined in N.J.S.A. 51:6-1.

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

GIFT CARD – A restricted monetary equivalent or scrip that is issued by retailers or banks to be used as an alternative to a nonmonetary gift.

ITINERANT BUSINESS – Any business conducted intermittently within the Borough.

MERCHANT – One who purchases from the public and sells or otherwise exchanges, conveys, alters or trades an article.

PERSON – Any individual natural persons, partnerships, joint ventures, businesses, societies, associates, clubs, trustees, trusts, corporations, or unincorporated groups, or any officers, agents, employees, servants, factors or any form of personal representatives of any thereof, in any capacity, acting for self or on behalf of another.

PLEDGE – An article or articles deposited with a secondhand merchant in the course of his/her business. Or as so defined in N.J.S.A. 45:221.

PLEDGOR – A person who delivers the pledge into the possession of a secondhand merchant, unless such person discloses that he/she is or was acting for another, and in such an event "pledgor" shall mean the disclosed principal. Or as so defined in N.J.S.A. 45:221.

PRECIOUS METALS, GEMS, GEMSTONES – Articles comprised of gold, silver, sterling, platinum and/or their alloys as defined in N.J.S.A. 51:51 et seq., N.J.S.A. 51:61 et seq. and/or N.J.S.A. 51:6A-1 et seq.; gems, gemstones, coins and all forms of jewelry herein contained.

PUBLIC – Individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

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

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

SECONDHAND GOODS - Any article previously sold, acquired, exchanged, conveyed, traded or otherwise formerly owned, including but not limited to buying scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVR's, GPS, camcorders, car stereos, gift cards, furniture, clothing or other valuable articles.

SECONDHAND WATCH – As defined in N.J.S.A. 45:22-38.

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

§ 38-3. Responsibilities.

A. Precious metals, gems and gemstones.

1. Permit required.

- a. Prior to buying, attempting to buy or offering to buy any precious metals, gems or gemstones, no person, as defined in Section 38-2, shall engage in such business without first obtaining a permit from the Borough.
- b. The Borough Clerk shall, on application reviewed and signed by the Chief of Police, issue an appropriate permit. Each applicant is required to:
 - (1) Provide full name.
 - (2) Provide current address.
 - (3) Provide current telephone number.
 - (4) Provide date of birth.
 - (5) Provide two (2) forms of identification, one of which shall contain a photograph.
 - (6) Provide three (3) sets of fingerprints taken by the Mantua Township Police Department.
 - (7) Pay an annual fee for the purpose of registering with a computer program database, as chosen by the Chief of Police at his or her discretion, that tracks secondhand dealer(s) transactions. The fee is determined by the database business and will be paid directly to them.
 - (8) Provide original of bond as required by N.J.S.A. 45:22-7 and N.J.A.C. 13:47C-6 or as otherwise required by law.
- c. All permits included in this section shall expire on December 31st of the year in which they were issued.
- d. All permit renewals shall be required to undergo the same process as the initial permit application.
- e. All permits shall be displayed in a location at the place of business which is easily visible to the public.

- f. Exceptions: Where a transient buyer intends to conduct business in the Borough for five (5) days or less per calendar year, the annual permitting fee shall be reduced to \$50.
2. Registration.
 - a. A merchant of precious metals, gems or gemstones shall, prior to buying, attempting to buy or offering to buy, register with the Borough providing the following information on a form prescribed by the Police Department:
 - (1) Name and address of merchant;
 - (2) Address from which merchant shall conduct business;
 - (3) Copy of valid permit from the Borough.
 3. Bond. A bond shall be obtained in accordance with N.J.A.C. 13:47C-6 or as otherwise required by law.
 4. Recordkeeping.

Every merchant within the Borough shall, upon the purchase of any precious metal, gem or gemstone from the public, be required as follows:

 - a. Record on a numbered receipt the name, address and telephone number of the purchaser; the name, address and telephone number of the seller or sellers; the time and date of the transaction; the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals; fineness in terms of karats for gold, silver, sterling coin, gem or gemstones, and/or as in accordance with N.J.S.A. 51:5-1 et seq., N.J.S.A. 51:6-1 et seq. and/or N.J.S.A. 51:6A-1 et seq. All merchants regulated under this chapter shall weigh the article in plain view of the seller and on a scale certified and calibrated by the New Jersey Department of Weights and Measures.
 - b. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, enter all transactions into the electronic database within forty-eight (48) hours from the date of purchase. The information entered will contain all information outlined in Section 38-3A4a, in addition to the following:
 - (1) A physical description of the seller;
 - (2) The receipt number;
 - (3) A full description of the articles purchased, including but not limited to marks, numbers, dates, sizes, shapes, initials and monograms;
 - (4) The price paid for the article; and
 - (5) The form shall be signed by the seller and initialed by the merchant who made the transaction.
 - (6) The form must be legibly initialed by the clerk or the dealer who made the transaction, so as to readily identify that individual.
 - (7) A color photograph or color image of the seller's presented identification.
 - (8) A color photograph or color image of all items sold. When photographing or imaging, all items must be positioned in a manner that makes them readily and easily identifiable.
 - (9) Items should not be grouped together when photographing or imaging; each item will have its own color photograph or color image.
 - (10) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police. In the event that paper forms are used, the dealer is responsible to enter all transaction information into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of the chapter and subsequently being subject to the penalties for doing so.
 - c. The precious metals, gems and gemstones are to be made available for inspection to the Chief of Police, or his/her duly designated representative, for a period of five (5) days from the date the information required above is received by the Chief of Police.

The precious metals, gems and/or gemstones shall remain in the same condition as when purchased and shall not be changed, modified, melted, altered or disposed of by the merchant until the five-day period has expired. During this five-day period, the precious metals, gems and/or gemstones shall be in public view at the merchant's place of business.

The merchant shall allow the Police Officer to take possession of any article known by the Mantua Township Police Department to be missing or to have been stolen, or where the Police Officer has probable cause to believe the article is missing or stolen.

If the property is such that it would create a hardship on the merchant by holding the precious metal, gem and/or gemstone for such period, the merchant may present the property to the Chief of Police, or his/her duly designated representative, so that it may be photographed and, if deemed necessary by the Chief of Police, or his/her duly designated representative, an investigation shall be initiated into the purchase.

The Chief of Police, or his/her duly designated representative, has the authority to grant the merchant a waiver of the requirement under this section. The waiver shall be on official Department of Police stationery and executed by the Chief of Police, or his/her duly designated representative. The original of said waiver shall be retained by the Department of Police and a copy shall be retained by the merchant.

All records shall be kept and maintained for a period of not less than two (2) years from the date of transaction. All records shall further be available for inspection by the Chief of Police or his duly designated representative during this period.

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

5. Advertisements.

- a. Advertising, as defined in Section 38-2, that precious metals, gems and/or gemstones are being purchased in any location within the Borough shall constitute "engage[ing] in such business" for the purposes of this section.
- b. No person shall place or cause to be placed any advertisement for purchase of precious metals, gems and/or gemstones without stating in the advertisement the permit number under which the merchant operates.
 - (1) In any print media advertisement, the permit number shall appear in type no smaller than eight (8) point. The permit number shall appear in the lower right hand corner of the advertisement.
 - (2) In any electronic media advertisement, the permit number shall be visually and/or audibly stated.
 - (3) Failure to include the permit number in any advertisement shall constitute a violation.

B. Secondhand goods.

1. Permit required.

- a. Prior to buying, attempting to buy or offering to buy any secondhand article, no person as defined in Section 38-2, shall engage in such business without first obtaining a permit from the Borough.

- b. The Borough Clerk shall, on application reviewed and signed by the Chief of Police, issue an appropriate permit. Each applicant is required to:
 - (1) Provide full name.
 - (2) Provide current address.
 - (3) Provide current telephone number.
 - (4) Provide date of birth.
 - (5) Provide two (2) forms of identification, one of which shall contain a photograph.
 - (6) Provide three (3) sets of fingerprints taken by the Mantua Township Police Department.
 - (7) Pay an annual fee for the purpose of registering with a computer program database, as chosen by the Chief of Police at his or her discretion, that tracks secondhand dealer(s) transactions. The fee is determined by the database business and will be paid directly to them.
 - c. All permits included in this section shall expire on December 31st of the year in which they were issued.
 - d. All permit renewals shall be required to undergo the same process as the initial permit application.
 - e. All permits and licenses shall be displayed in a location at the place of business which is easily visible to the public.
 - f. Exceptions: Where a Transient Buyer intends to conduct business in the Borough for five (5) days or less per calendar year, the annual permitting fee shall be reduced to \$50.
2. Registration.
- a. A merchant of secondhand goods, prior to buying, attempting to buy or offering to buy, must register with the Borough providing the following information on a form prescribed by the Police Department:
 - (1) Name and address of merchant;
 - (2) Address from which merchant shall conduct business;
 - (3) A copy of a valid permit from the Borough.
3. Recordkeeping. In the case of business done on Saturday such report shall be delivered before eleven o'clock on the succeeding Monday.
- a. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, enter all transactions into the electronic database within forty-eight (48) hours from the date of purchase. The information entered will include the following:
 - (1) A physical description of the seller;
 - (2) The receipt number;
 - (3) A full description of the articles purchased, including but not limited to marks, numbers, dates, sizes, shapes, initials and monograms;
 - (4) The price paid for the article; and
 - (5) The form shall be signed by the seller and initialed by the merchant who made the transaction.
 - (6) The form must be legibly initialed by the clerk or the dealer who made the transaction, so as to readily identify that individual.
 - (7) A color photograph or color image of the seller's presented identification.
 - (8) A color photograph or color image of all items sold. When photographing or imaging, all items must be positioned in a manner that makes them readily and easily identifiable.
 - (9) Items should not be grouped together when photographing or imaging; each item will have its own color photograph or color image.
 - (10) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police. In the event that paper forms are used, the dealer is responsible to enter all transaction information into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer

equipment, may result in the dealer being cited for a violation of the chapter and subsequently being subject to the penalties for doing so.

- b. The secondhand article is to be made available for inspection by the Chief of Police, or his/her duly designated representative, for a period of five (5) days from the date the information required above is received by the Chief of Police.

The secondhand article shall remain in the same condition as when purchased and shall not be changed, modified, melted, altered or disposed of by the merchant until the five-day period has expired. During this five-day period, the secondhand article shall be in public view at the merchant's place of business.

The merchant shall allow the Police Officer to take possession of any article known by the Mantua Township Police Department to be missing or to have been stolen, or where the Police Officer has probable cause to believe the article is missing or stolen.

If the property is such that it would create a hardship on the merchant by holding the secondhand article for such period, the merchant may present the property to the Chief of Police, or his/her duly designated representative, so that it may be photographed and, if deemed necessary by the Chief of Police, or his/her duly designated representative, an investigation shall be initiated into the purchase.

The Chief of Police, or his/her duly designated representative, has the authority to grant the merchant a waiver of the requirement under this section. The waiver shall be on official Department of Police stationery and executed by the Chief of Police, or his/her duly designated representative. The original of said waiver shall be retained by the Department of Police and a copy shall be retained by the merchant.

All records shall be kept and maintained for a period of not less than two (2) years from the date of transaction. All records shall further be available for inspection by the Chief of Police or his duly designated representative during this period.

C. Secondhand watches.

In addition to those requirements as found in this chapter, the sale of secondhand watches shall be in accordance with N.J.S.A. 45:22-35 - N.J.S.A. 45:22-40.

D. Security Camera

1. Every Dealer in precious metals, gems or gemstones, an/or second-hand goods shall have in operation at least one interior video camera which camera and location shall be approved by the Mantua Township Police Department.
2. Security camera records shall be kept for 72 hours and shall be made available to the Mantua Township Police Department upon request.

E. Non-applicability.

This chapter shall not apply to purchases made by jewelers or other merchants from wholesalers or other suppliers, but shall only apply to those purchases made from the public or other retail purchases. The merchant shall keep records of all wholesale purchases from a period of six months from the date of such purchase, which records shall be opened to investigation by the Mantua Township Police Department upon request.

F. Purchases from minors.

No merchant within the Borough shall purchase any article from any person under the age of eighteen (18) years.

G. Violations and penalties.

Any person, firm or corporation violating any provisions of this chapter shall, upon conviction thereof in the Municipal Court, be punished by a minimum fine of \$100. or a maximum fine of \$1000. or by imprisonment for a term not exceeding ninety (90) days or by a period of community service not exceeding ninety (90) days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this chapter within one year of the date of a previous violation may be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein and same shall be calculated separately from the fine imposed for the violation of this chapter.

H. Revocation of Permit

1. Permits issued under the provisions of this Chapter may be revoked by the Chief of Police after a Hearing before the Borough Administrator and upon written Notice to the Dealer for any of the following causes:
 - a. Fraud, misrepresentation, or false statement contained in the Application for permit;
 - b. Fraud, misrepresentation, or false statement made in the course of carrying on the business of purchasing second-hand precious items as defined herein;
 - c. Any other violation of this Chapter;
 - d. Conviction of any crime or disorderly persons offense involving moral turpitude;
 - e. Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
2. Notice of the Hearing before the Borough Administrator for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of Hearing. Such Notice shall be mailed, postage prepaid, to the permittee at his last known address at least five (5) days prior to the date set for the hearing.

I, Karen Sweeney, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance introduced on July 23, 2020, and adopted on final reading by the Borough Committee of the Borough of Wenonah at a regular and duly convened meeting held on August 27, 2020.

In witness thereof, I have set my hand and affixed the seal of the Borough of Wenonah this ___ day of _____ 2020.

Karen Sweeney, RMC/ADMIN/QPA
Municipal Clerk, Wenonah Borough