

LEGALS

TOWNSHIP OF LOWER CAPE MAY COUNTY, NEW JERSEY BEACH DRIVE PEDESTRIAN SAFETY IMPROVEMENTS CONTRACT NO. M-12 NOTICE TO BIDDERS

NOTICE is hereby given that sealed bids will be received by the Township of Lower (hereinafter called the "Owner") for: BEACH DRIVE PEDESTRIAN SAFETY IMPROVEMENTS CONTRACT NO. M-12

Sealed bids for the above named Contract, which comprises roadway and pedestrian safety improvements to Beach and Shore Drives located within the Township of Lower, Cape May County, New Jersey ("Owner"), will be received at the Lower Township Municipal Building, 2600 Bayshore Road, Villas, New Jersey 08251 on December 28, 2017 at 10:00 a.m. prevailing time, at which time they will be publicly unsealed and the contents publicly announced.

The work includes the furnishing of all labor, materials and equipment necessary to complete the work as shown on the Drawings and as described in the Specifications. The work consists of approximately 7,364 linear feet of roadway reconstruction, installation of approximately 11,250 linear feet of concrete vertical curb, 8,510 square yards of concrete gutter, sidewalk and driveway aprons, storm sewer improvements and various pedestrian safety improvements. The work shall be completed within 120 calendar days of the Contractor's receipt of written Notice to Proceed.

No bid will be received unless in writing on the forms furnished, and unless accompanied by bid security in the form of a bid bond, cashier's check, or a certified check made payable to the Township of Lower in an amount equal to 10% of the amount of the total bid, but not exceeding \$20,000.

The bid shall be accompanied by a Certificate of Surety on the form included in the Contract Documents, from a surety company licensed to do business in the State of New Jersey, which shall represent that the surety company will provide the Contractor with the required bonds in the sums required in the Contract Documents and in a form satisfactory to the Owner's Attorney and in compliance with the requirements of law.

Bidders must use the prepared bid form which is contained in the Contract Documents. Each individual proposal must be separately enclosed in a sealed envelope addressed to the Township of Lower Purchasing Agent, 2600 Bayshore Road, Villas, NJ 08251 marked on the outside with the number of the contract(s) and name of the project being bid on.

No bids will be received after the time and date specified, and no bids will be received by mail. Bids shall be received by courier service (date and time recorded) or shall be hand delivered. The Owner shall award the Contract or reject all bids within 60 days of bid opening, except that the bids of any bidders who consent thereto may, at the request of the Owner, be held for consideration for such longer period as may be agreed.

The Owner will evaluate bids and any award will be made to the lowest, responsive, responsible bidder in accordance with N.J.S.A. 40A:11-6.1. A copy of N.J.S.A. 40A:11-6.1 is included in Section entitled Local Public Contract of this specification. The Owner reserves the right to reject any or all bids and to waive minor informalities or irregularities in bids received.

The qualification and reclassification of bidders will be subject to the statutory provisions contained in N.J.S.A. 40A:11-25 to 32 ("Local Public Contract Law").

All bid security except the security of the three apparent lowest responsible bidders shall be returned, unless otherwise requested by the bidder, within ten (10) days after the opening of the bids, Sundays and holidays excepted, and the bids of the bidders whose bid security is returned shall be considered withdrawn.

Each bidder must submit with his bid a signed certificate stating that he owns, leases or controls all the necessary equipment required to accomplish the work shown and described in the Contract Documents. Should the bidder not be the actual owner or lessee of such equipment, his certificate shall state the source from which the equipment will be obtained and, in addition, shall be accompanied by a signed certificate from the owner or person in control of the equipment definitely granting to the bidder the control of the equipment required during such time as may be necessary for the completion of that portion of the Contract for which it is necessary. The bidder shall comply with the documentation requirements set forth in the Article of the Information for Bidders, entitled, "Bidder Submissions".

The successful bidder will be required to submit bonds and proof of insurance on or before execution of their respective Contracts as explained in the Contract Documents.

Bidders are required to comply with all relevant Federal and State Statutes, Rules and Regulations including but not limited to the applicable provisions of Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d2000D4A), the discrimination and affirmative action provisions of N.J.S.A. 10:21 through 10:24, the New Jersey Law against Discrimination, N.J.S.A. 10:51, et seq., the rules and regulations promulgated pursuant thereto, the State requirement for bidders to supply statements of ownership (N.J.S.A. 52:2524.2) and the State requirement for submission of the names and addresses of certain subcontractors (N.J.S.A. 40A:1116).

The Contract Documents may be examined and obtained at the Office of the Engineer, Mott MacDonald, 211 Bayberry Drive, Suite 1A, Cape May Court House, New Jersey, between the hours of 8:00 a.m. and 4:30 p.m. The Contract Documents may be purchased by prospective bidder upon payment of a fee of two hundred (\$200) dollars for each set of full-sized drawings with specifications. A compact disk of the bid documents may be purchased for an additional twenty-five (\$25) dollars, however a prospective bidder must first acquire the Contract Documents. Payment must be made by business check and shall be made out to Mott MacDonald.

Pursuant to N.J.S.A. 10:531 et seq., bidders are required to comply with the requirements of P.L. 1975 c. 127, NJAC 17:27.

Each Bidder must submit with his bid an "Ownership Disclosure Statement" and "Non-Collusion Affidavit" on the forms included in the Contract Documents.

Bidders and their subcontractors of any tier must comply with all applicable provisions of the Public Works Contractor Registration Act, P.L. 1999, c. 238 (N.J.S.A. 34:11-56.48) and the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25).

Pursuant to P.L. 2004, c.57 (N.J.S.A. 52:32-44) effective September 1, 2004, all business organizations that conduct business with a New Jersey government agency are required to be registered with the State of New Jersey. Bidders and their subcontractors must submit proof that at the time of the Bid they are registered with the New Jersey Department of Treasury, Division of Revenue by submitting a copy of their Business Registration Certificate prior to Contract award. It is the purpose of this Notice to Bidders to summarize some of the more important provisions of the Contract Documents. Prospective bidders are cautioned not to rely solely on this summary, but to read the Contract Documents in their entirety.

By Order of the Township of Lower Julie Picard, Township Clerk 7

12/6, pf \$106.02

SHERIFF'S SALE

BY VIRTUE of a Writ of Execution issued out of the Superior Court of New Jersey, Chancery Division, Cape May County, and Docket No. F 012058 16 therein, pending wherein, WELLS FARGO BANK N.A. AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL INC. TRUST 2004-0P1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-0P1 is the Plaintiff and ILEENE CARLETTINI, ET AL is the Defendant, I shall expose to sale at public venue on: WEDNESDAY, 01/03/2018

at one o'clock in the afternoon of the said day, at the Old Historical Court House Building, Route 9, Cape May Court House, New Jersey.

Property to be sold is located in the TOWNSHIP OF LOWER, County of Cape May in State of New Jersey.

Commonly known as: 116 CLAREMONT ROAD, NORTH CAPE MAY, (LOWER TOWNSHIP), NJ 08204

BEING KNOWN AS BLOCK 494.07, TAX LOT 14, on the official Tax Map of the Township of Lower, County of Cape May, New Jersey.

Dimensions of Lot: 42 X 37 X 126 X 82. Nearest Cross Street: OLD MILL DRIVE

A FULL LEGAL DESCRIPTION OF THE PREMISES CAN BE FOUND IN THE OFFICE OF THE SHERIFF OF CAPE MAY COUNTY.

Subject to any open taxes, water/sewer, municipal or tax liens that may be due. Prior Mortgages, Judgments, Leins, Encumbrances: N/A

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagor or the Mortgagee's attorney.

Amount due under judgment is \$178,970.28 costs and Sheriff's fees to be added. At the time of the Sale cash, certified check, cashier's check or treasurer's check in the amount of 20 percent of the bid price is required. The Sheriff reserves the right to adjourn any sale without further notice of Publication.

All publication costs are paid for by the Plaintiff. ATTORNEY: UDREN LAW OFFICES 111 WOODCREST ROAD SUITE 200

CHERRY HILL, NJ 08003 GARY G. SCHAFFER, SHERIFF CH755857

12/6, 12/13, 12/20, 12/27, pf \$142.60 11

LEGALS

BOROUGH OF WEST CAPE MAY COUNTY OF CAPE MAY STATE OF NEW JERSEY ORDINANCE NO. 530-17 AN ORDINANCE AMENDING SECTION 27-36 OF THE BOROUGH CODE

REGARDING LANDSCAPING AND VEGETATION WHEREAS, Section 27-36 of the West Cape May Code sets forth various requirements for a landscaping and vegetation and a plan to be submitted to the Borough in the course certain proposed development; and

WHEREAS, the Borough Commission of West Cape May has determined that Section 27-36 should be amended; NOW, THEREFORE, BE IT ORDAINED by the Borough Commission of the Borough of West Cape May as follows: Section 1. Section 27-36 of the Borough Code shall be amended as follows, with all strikethroughs indicating deleted portions and all bold and underlined portions indicating additions: 27-36 LANDSCAPING AND VEGETATION PLAN.

It is the intent of the Borough of West Cape May to require a Landscaping and Vegetation Plan for several reasons: To continue the history of coexistence of human habitation with natural habitat that supports concentrations of migrant and resident wildlife. The maintenance and replacement of trees and vegetation on both private and public lands are crucial to the continued ability of the Borough to support migration. Additionally, there are social, environmental, and economic benefits: Trees alter the environment by moderating climate (thus reducing energy costs), improving air quality (by absorbing carbon dioxide, ozone, carbon monoxide and sulfur dioxide), conserving water, and increasing land value.

a. Prior to the issuance of any zoning permit for additions to any existing structure which increased the lot coverage in excess of ten (10%) percent, or construction of a new dwelling unit, or conversion of larger dwelling units to apartments or condominiums or the removal of more than forty (40%) percent of the vegetation covering of a lot, a landscaping and vegetation plan for the parcel in question must be submitted to and approved by the City of West Cape May Zoning Officer to ensure substantial compliance with the criteria and requirements set forth in this section, which landscaping and vegetation plan must constitute the minimum percentage of overall vegetation coverage of the lot as set forth below and incorporate the parameters of paragraph e, 1. hereafter:

- 1. R1 - 35% 45% overall vegetation coverage
2. R2 - 45% 55% overall vegetation coverage
3. R3 - 45% overall vegetation coverage
4. R4 - 60% overall vegetation coverage
5. R5 - 60% overall vegetation coverage
6. C1 - 35% overall vegetation coverage
7. C2 - 35% overall vegetation coverage
8. C3 - 35% 20% overall vegetation coverage

b. The landscaping and vegetation plan must constitute the above minimum percentage of the overall lot either left in its natural state or covered in vegetation, incorporating the parameters of paragraph e, 1. hereafter. The utilization of natural indigenous vegetation is encouraged. c. The Zoning Officer may require such information as is reasonably necessary to enable him to make the determination required under the provision of this Chapter.

d. All driveways and parking areas shall be deemed to be covered and excluded from the overall vegetation coverage for the purposes of this section. e. Trees. 1. All existing trees outside a building footprint having a three (3') inch diameter trunk measured at a point four and one-half (4.5) feet above the ground on the downhill side of such tree, shall remain if said trees are in excess of six (6') feet from the outside of the exterior wall of the proposed structure. In the event that an applicant wishes to remove a tree or trees as above described, that applicant shall then be required to plant two (2) trees for each tree removed, which replacement trees shall be of at least two (2') inches in diameter at a point four and one-half (4.5) feet above the ground at a location on the property to be chosen by applicant.

2. In addition to the replacement of removed trees above described, the applicant shall replace at a location of his or her choice on the property, any trees located within the footprint of the proposed structure, plus six (6') feet, if said trees have a trunk at least three (3') inches in diameter measured at a point four and one-half (4.5) feet above the ground on the downhill side of such tree. For every tree removed within the footprint of the existing or proposed structure, plus six (6') feet, the applicant shall plant one (1) tree along the side yard and rear yard which tree shall be of the same size as the replacement tree above described. The applicant shall be permitted to plant two (2) bushes in lieu of a tree if said bushes are a minimum of two (2) feet in diameter and are classified by the West Cape May List of Approved Trees and Shrubs. This requirement is to make up for the replacement of shrubs and is in addition to trees from outside the building envelope. However, the applicant shall not be required to plant trees closer than ten (10') feet between the two (2), said distances measured from center trunk to center trunk. The replacement trees need not be of the same species as the trees removed, however, they shall be of the same height classifications as the trees removed.

3. The location of the tree to be removed determines the replacement obligation. All replacement trees or bushes may be installed in a location determined by the applicant in accordance with this section. The example graphic below depicts the areas subject to e(1) and e(2) above. 3.A. As part of the Landscaping and Vegetation Plan required by this section, the applicant shall submit a Tree Inventory identifying all existing trees as defined in Chapter 30-1. The trees shall be identified on a plan depicting the site and the applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. For purposes of complying with this section, the plan depicting the location of the trees may be submitted without a seal.

4. The applicant shall provide fencing and signage around trees which could be damaged during construction, to limit root pruning and restrict traffic and material storage. Fencing shall be located three feet outside the dipline of the tree, shall be no less than 4 feet high, and shall be installed prior to any grading on the site. The Borough will verify installation of the fencing. It is the responsibility of the property owner and workers on the site to assure that the fence remains in its proper location and at its proper height during construction. 5. If it shall be a violation of this section, punishable under Section 30-2, for any person, corporation, or entity to remove a tree in order to avoid the provisions of this section. In addition to the penalties in Section 30-2, the Borough may issue a stop work order until corrective measures have been taken.

f. Except as otherwise herein provided, the landscaping and vegetation plan shall retain as much of the natural vegetation as is possible. The proposed removal of any tree that is included on the Borough of West Cape May's Significant Specimen Trees shall be subject to the permit requirements of subsection 30-1.4. (Ord. No. 494-2015 § 3) g. Nothing herein is to be interpreted as indication that an applicant is prohibited from planting additional trees, bushes, grasses or flowers. h. Existing Lots. 1. Any existing improved lots with structures shall be allowed to exist in their current state together with routine maintenance, expansion, trimming, planting and replanting of vegetation. 2. Existing improved lots with structures having less than the required percentage of overall vegetation coverage will be allowed to remain as such, but will be considered an existing nonconforming landscaped property in which the nonconformity must be corrected should the primary structure be altered, outbuildings added or the property be significantly altered or re-landscaped which increases the lot coverage in excess of ten (10%) percent. Any new landscaping and vegetation plan must meet the minimum required percentages of overall vegetation coverage for the lot, as set forth herein, and incorporate the parameters of paragraph e, 1.

i. In lieu of replacing bushes, vines and grasses, the applicant shall plant or leave in place one (1) tree at approximately twenty (20) foot intervals along the side yard and rear yard, which trees shall be at least two (2') inches in diameter, or the applicant shall plant two (2) bushes of a minimum of two (2) feet in diameter in lieu of every second replacement tree. The requirements of this paragraph are in addition to other tree requirements. j.

In the case of the issuance of a zoning permit for alteration or construction, the property owner shall be required to plant any new vegetation provided for by the landscaping and vegetation plan within sixty (60) days of the issuance of a Certificate of Occupancy for the property, or within sixty (60) days of the beginning of the planting schedule below, whichever date is earliest. In the case of the issuance of a permit only for the removal of natural vegetation, the property owners will be required to plant any new vegetation provided for by the landscaping and vegetation plan within sixty (60) days of the issuance of said permit, or within sixty (60) days of the beginning of the attached planting schedule below, whichever date is earliest. Table 811.03.01.1 Optimal Planting Season

Table with 4 columns: Type of Plant, Season, Start Date, End Date. Rows include Broad leaf and coniferous evergreen trees, shrubs, vines, and ground covers; Deciduous trees, shrubs, vines, ornamental grasses, and perennials; Container grown plant materials; Narcissus; Hemoracallis; and Hemoracallis.

December 1 to May 15 October 15 to December 1 March 1 to May 15 October 15 to December 1 March 1 to May 15 August 15 to December 1

December 1 to May 15 October 15 to December 1 March 1 to May 15 August 15 to December 1

December 1 to May 15 October 15 to December 1 March 1 to May 15 August 15 to December 1

December 1 to May 15 October 15 to December 1 March 1 to May 15 August 15 to December 1

December 1 to May 15 October 15 to December 1 March 1 to May 15 August 15 to December 1

12/6, pf \$177.94

LEGALS

BOROUGH OF WEST CAPE MAY COUNTY OF CAPE MAY STATE OF NEW JERSEY ORDINANCE NO. 529-17 AN ORDINANCE AMENDING SECTION 30 OF THE BOROUGH CODE REGARDING TREES

WHEREAS, Section 30 of the West Cape May Code establishes standards for the protection and preservation of certain trees within the municipality; and

WHEREAS, the Borough Commission of West Cape May has determined that Section 30 should be amended; NOW, THEREFORE, BE IT ORDAINED by the Borough Commission of the Borough of West Cape May as follows: Section 1. Section 30 of the Borough Code shall be amended as follows, with all strikethroughs indicating deleted portions and all bold and underlined portions indicating additions: CHAPTER XXX TREES 30-1 PRESERVATION OF CERTAIN TREES. 30-1.1 Purpose.

The intent and purpose of this section is to establish standards for the Borough for the protection and preservation of certain trees defined herein growing in a natural state within this municipality. For purposes of Section 30-1 and Section 27-36, a "tree" shall mean any woody perennial plant with a main stem or trunk exceeding three (3') inches in diameter measured at a point four and one-half (4.5) feet above the ground on the downhill side of such tree.

A "replacement tree" shall be of at least two (2') inches in diameter at four and one-half (4.5) feet above the ground. (Ord. No. 494-2015 § 1; Ord. No. 515-2016)

30-1.2 Significant Specimen Trees. Tree Registry A Significant Specimen Tree shall include any tree with a diameter at breast height (DBH) larger than 16 inches or has a trunk diameter exceeding 80% of that of the largest similar tree listed in the West Cape May List of Approved Trees and Shrubs that is prepared and annually updated by the West Cape May Shade Tree Commission.

There is hereby established in the Borough of West Cape May a list of Significant Specimen Trees, which shall consist of a list of particular trees, or species of tree, that have special value because of their size, rarity or historical, environmental or aesthetic importance. The Significant Specimen Trees shall be compiled and maintained by the West Cape May Shade Tree Commission, and shall be annually reviewed and approved by the Borough Commission. (Ord. No. 494-2015 § 1; Ord. No. 515-2016)

30-1.3 Tree Specialist. The Borough Commissioners shall appoint a Tree Specialist. This individual shall be responsible for the inspection of sites for which application(s) are filed under this chapter.

A Tree Specialist is either of the following: a. A forester who shall have a bachelor's degree in forestry or arboriculture from a college or university, shall be certified as a certified tree expert by the State of New Jersey. b. A conservation officer who shall be certified as a certified tree expert by the State of New Jersey. (Ord. No. 515-2016)

30-1.4 Applicability of Regulations. The restrictions in this section shall apply to the removal of all trees as defined in 30-1-1 that grow on any land in the Borough, or species of tree, Significant Specimen Trees that are included in the West Cape May Tree Registry, and that grow on any land in the Borough, unless such trees are 1) permitted to be removed under the provisions of this section, or 2) are otherwise regulated as part of the Borough's site plan, subdivision or zoning regulations, as set forth in subsection 30-1.6 below. Trees blown over and damaged beyond repair as approved by the Shade Tree Commission may be removed immediately without permit.

In the case of an emergency where, for example, trees are blown over, damaged beyond repair, or in such a condition that risks damage to person or property, a tree may be removed immediately. Within five business days following an emergency requiring removal of a tree, the property owner must submit an application pursuant to Section 30-1.5. The applicant shall provide evidence demonstrating the need for the emergency removal and comply with any replacement obligations as determined by the Shade Tree Commission pursuant to 30-1.6. Such evidence shall include but not be limited to, photographs. 30-1.5 Permit; Application; Procedure; Fee. a. No person shall remove or destroy any tree subject to the regulations contained in this section without first obtaining a tree removal permit from the Borough.

b. All applications for tree removal shall be filed with the Zoning Officer of the Borough of West Cape May. The applicant shall file an application for a tree removal permit on forms made available in the office of the Borough Clerk. When the application is filed, the applicant shall pay a fee of \$35, for each tree to be removed. c. The application shall be forwarded to the Tree Specialist who shall assess and provide a report to the Shade Tree Commission within two (2) weeks of receiving the application. Once the Tree Specialist report is received, the application should be placed on the next Shade Tree Commission Meeting Agenda.

d. Tree removal permits shall be reviewed, approved or denied, and a decision shall be issued by the Shade Tree Commission Office to the owner or his authorized contractor, within three (3) days of the Shade Tree Commission meeting where the application was reviewed. Permits shall contain the name and address of the owner of the lands upon which the tree or trees sought to be removed are located, and the type, size and location of tree or trees sought to be removed. e. The tree removal permit shall be valid for one year from the date of issuance. If, at the end of the term, the Shade Tree Commission is satisfied that the standards set by this section have been met and that no violations of this section have taken place, it may renew the permit, subject to any conditions in subsection 30-1.5 below. f. Applicant shall notify the Zoning Officer within three (3) days of a tree being removed for final inspection by the Zoning Officer. (Ord. No. 494-2015 § 1; Ord. No. 515-2016)

30-1.6 Grant or Denial of Permit; Standards. The Shade Tree Commission shall grant or deny the permit with reference to the standards contained in this subsection. In applying such standards, the Commission may condition the grant of the permit upon such reasonable conditions as may be deemed necessary to effectuate the purpose of this section.

- a. The Commission shall be satisfied that the removal of any particular tree is required for the effective utilization of the lands in question, and that no alternative to removal is available. b. The Commission shall be satisfied that the proposed removal shall not impair the growth and development of the remaining trees on the lands where the proposed tree or trees are located, as well as on adjacent lands. c. The Commission shall be satisfied that adequate precautions shall

SHERIFF'S SALE

BY VIRTUE of a Writ of Execution issued out of the Superior Court of New Jersey, Chancery Division, Cape May County, and Docket No. F 03282 16 therein, pending wherein, BANK OF AMERICA, N.A. is the Plaintiff and DAVIS S. COLEMAN, ET AL is the Defendant, I shall expose to sale at public venue on: WEDNESDAY, 12/13/2017

at one o'clock in the afternoon of the said day, at the Old Historical Court House Building, Route 9, Cape May Court House, New Jersey.

Property to be sold is located in the TOWNSHIP OF LOWER, County of Cape May in State of New Jersey.

Commonly known as: 219 EAST SAINT JOHNS AVENUE, VILLAS, NJ 08251

BEING KNOWN AS BLOCK 40, TAX LOT 24, 25 AND 26.01, on the official Tax Map of the Township of Lower, County of Cape May, New Jersey.

Dimensions of Lot: 90X102 37' 7' Nearest Cross Street: CORAL ROAD

Subject to any unpaid taxes, municipal or other charges, and any such taxes, charges, liens, insurance premiums or other advances made by plaintiff prior to this sale. All interested parties are to conduct and rely upon their own independent investigation to ascertain whether or not any outstanding interest remain of record and/or have priority over the lien being foreclosed and, if so, the current amount due thereon.

Surplus Money: If after the sale and satisfaction of the mortgage debt, including costs and expenses, there remains any surplus money, the money will be deposited into the Superior Court Trust AFund and any person claiming the surplus, or any part thereof, may file a motion pursuant to Court Rules 4:64-3 and 4:57-2 stating the nature and extent of that person's claim and asking for an order directing payment of the surplus money. The Sheriff or other person conducting the sale will have information regarding the surplus, if any.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

Amount due under judgment is \$190,335.88 costs and Sheriff's fees to be added. At the time of the Sale cash, certified check, cashier's check or treasurer's check in the amount of 20 percent of the bid price is required. The Sheriff reserves the right to adjourn any sale without further notice of Publication.

All publication costs are paid for by the Plaintiff. ATTORNEY: MICHAEL MILSTEAD & ASSOCIATES 1 EAST STOW ROAD MARLTON, NJ 08053

GARY G. SCHAFFER, SHERIFF CH755853

11/15, 11/22, 11/29, 12/6, pf \$168.64 1

LEGALS

BOROUGH OF WEST CAPE MAY COUNTY OF CAPE MAY STATE OF NEW JERSEY ORDINANCE NO. 529-17 AN ORDINANCE AMENDING SECTION 30 OF THE BOROUGH CODE REGARDING TREES

WHEREAS, Section 30 of the West Cape May Code establishes standards for the protection and preservation of certain trees within the municipality; and

WHEREAS, the Borough Commission of West Cape May has determined that Section 30 should be amended; NOW, THEREFORE, BE IT ORDAINED by the Borough Commission of the Borough of West Cape May as follows: Section 1. Section 30 of the Borough Code shall be amended as follows, with all strikethroughs indicating deleted portions and all bold and underlined portions indicating additions: CHAPTER XXX TREES 30-1 PRESERVATION OF CERTAIN TREES. 30-1.1 Purpose.

The intent and purpose of this section is to establish standards for the Borough for the protection and preservation of certain trees defined herein growing in a natural state within this municipality. For purposes of Section 30-1 and Section 27-36, a "tree" shall mean any woody perennial plant with a main stem or trunk exceeding three (3') inches in diameter measured at a point four and one-half (4.5) feet above the ground on the downhill side of such tree.

A "replacement tree" shall be of at least two (2') inches in diameter at four and one-half (4.5) feet above the ground at a location on the property to be chosen by applicant. (i) All existing trees outside a building footprint having a three (3") inch diameter trunk measured at a point four and one-half (4.5) feet above the ground on the downhill side of such tree, shall remain if said trees are in excess of six (6') feet from the outside of the exterior wall of the proposed structure. In the event that an applicant wishes to remove a tree or trees as above described, that applicant shall then be required to plant two (2) trees for each tree removed, which replacement trees shall be of at least two (2') inches in diameter at a point four and one-half (4.5) feet above the ground at a location on the property to be chosen by applicant.

(ii) In addition to the replacement of removed trees above described, the applicant shall replace at a location of his or her choice on the property, any trees located within the footprint of the proposed structure, plus six (6') feet, if said trees have a trunk at least three (3') inches in diameter measured at a point four and one-half (4.5) feet above the ground on the downhill side of such tree. For every tree removed within the footprint of the existing or proposed structure, plus six (6') feet, the applicant shall plant one (1) tree along the side yard and rear yard which tree shall be of the same size as the replacement tree above described. The applicant shall be permitted to plant two (2) bushes in lieu of a tree if said bushes are a minimum of two (2) feet in diameter and are classified by the West Cape May List of Approved Trees and Shrubs. This requirement is to make up for the replacement of shrubs and is in addition to trees from outside the building envelope. However, the applicant shall not be required to plant trees closer than ten (10') feet between the two (2), said distances measured from center trunk to center trunk. The replacement trees need not be of the same species as the trees removed, however, they shall be of the same height classifications as the trees removed.

(iii) The location of the tree to be removed determines the replacement obligation. All replacement trees or bushes may be installed in a location determined by the applicant in accordance with this section. The example graphic below depicts the areas subject to d(i) and d(ii) above. e. The Commission may permit an exemption from the replacement requirements of this section upon a showing of extraordinary circumstances or undue hardship. An example of a circumstance that may qualify for an exemption pursuant to this section includes but is not limited to instances where an applicant demonstrates the property is in excess of the vegetation coverage requirements in Section 27-36. 30-1.7 Exemption to Regulations. Removal of trees as part of any development subject to the Borough's site plan, subdivision or zoning regulations shall not require a tree removal permit. That removal shall conform instead to those regulations, and to the relevant determination of the appropriate land use board. Any tree removed from a property in conformance with the Borough's land use regulations shall be deemed to be permitted by this section. (Ord. No. 494-2015 § 1; Ord. No. 515-2016)

30-1.8 Right to Hearing. Any person aggrieved by a decision of the Shade Tree Commission shall be entitled to a full hearing before the Commission if a written request is filed within ten (10) days from the Commission's decision. (Ord. No. 494-2015 § 1; Ord. No. 515-2016)

30-1.9 Violations. It shall be a violation of this section, punishable under Section 30-2, for any person, corporation or entity to remove a tree in order to avoid the provisions of this section. (Ord. No. 494-2015 § 1; Ord. No. 515-2016)

30-2 PENALTIES, ASSESSMENTS AND COSTS, ENFORCEMENT.

a. Any person violating the provisions of this Chapter shall, upon conviction, be subject to a fine of not less than \$100, nor more than the maximum penalty set forth in Section 1-5 of the Borough Code. b. In addition to the penalties provided for herein, any person who removes or otherwise destroys a tree in violation of this Chapter shall, upon conviction, pay a replacement assessment to the Borough. The replacement assessment of each tree removed or otherwise destroyed in violation of this Chapter shall be calculated by multiplying the area of the tree trunk, in square inches, measured 4.5 feet above the ground, times \$27. The area of the tree trunk shall be computed by multiplying 3.14 times the radius squared (ex. a tree having a radius of four inches results in 3.14 x 4^2 = 50.24 square inches).

c. Any person, corporation, firm or other entity convicted of violating this Chapter within one year of the date of a previous violation of this Chapter shall be sentenced by the court to an additional fine as a repeat offender, in accordance with N.J.S.A. 40:69A-29. d. The Code Enforcement Officer shall be responsible for enforcing of this Chapter. e. Nothing herein shall be deemed to limit the remedies available to the Borough of West Cape May or other person seeking to compel enforcement of this Chapter, and the remedies of compelling replacement of a tree or trees by paying money damages shall be considered cumulative.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of that conflict.

Section 3. Severability. Should any portion of this ordinance be declared unconstitutional or invalid, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are declared to be severable.

Section 4. Effective Date. This ordinance shall take effect 20 days after passage and publication, according to law.

Pamela M. Kaithern, Mayor Peter C. Burke, Deputy Mayor Carol E. Sabo, Commissioner Suzanne M. Schumann, RMC Municipal Clerk

NOTICE OF PENDING ORDINANCE

The foregoing Ordinance was introduced at a Regular Meeting of the Board of Commissioners of the Borough of West Cape May held on November 29, 2017, when it was read for the first time and then ordered to be published according to law. This Ordinance will be further considered for final passage by the Board of Commissioners of the Borough of West Cape May at a meeting to be held at Borough Hall, 732 Broadway, West Cape May, New Jersey on December 13, 2017, at 7:00pm or as soon thereafter as possible, at which time and place, all persons interested will be given an opportunity to be heard concerning such ordinance.

Suzanne M. Schumann, RMC Municipal Clerk 8

12/6, pf \$205.84

BOROUGH OF WEST CAPE MAY CAPE MAY COUNTY, NJ NOTICE OF TAX TITLE LIEN SALE

PUBLIC NOTICE IS HEREBY GIVEN THAT I, Todd N. Burkey, Tax Collector of the Borough of West Cape May, will sell at public auction in the West Cape May Borough Hall