

## ORDINANCE NO. 25-10

### AN ORDINANCE SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF OCEAN CITY

#### SECTION 1.

Section 4-32, "Parking of Commercial Vehicles, Boats and Boat Trailers", of Chapter IV, "Police Regulations" is hereby revised to read as follows

#### **§ 4-32. PARKING OF COMMERCIAL VEHICLES, BOATS AND BOAT TRAILERS. [Ord. #84-16, §§ 1—4; (Ord. #07-21, § 1; Ord. #07-30, § 1)]**

- a. No vehicle, as defined in N.J.S.A. 39:1-1 et seq., exceeding twenty-two (22') feet in length, or commercial vehicle likewise defined in N.J.S.A. 39:1-1 et seq. weighing more than ten thousand (10,000) pounds GVWR shall be permitted to be parked upon any street, alley or right-of-way at any time within the City of Ocean City.
- b. From May 1 through September 30 boats and boat trailers less than twenty-two (22') feet in length may be parked upon any street, alley or public right-of-way provided it does not remain on any street, alley or public right-of-way overnight for more than three (3) consecutive evenings and provided it does not impede traffic or encroach into a no-parking zone. Moving the boat and boat trailer from one street location to another after three (3) consecutive evenings shall not be considered to be compliance with this section. In order to comply with this section, the boat and boat trailer must be removed from the streets of the city.
- c. From October 1 through April 30 boats and boat trailers less than twenty-two (22') feet in length may be parked upon any street, alley or public right-of-way provided it does not remain on any street, alley or public right-of-way overnight, for more than seven (7) consecutive evenings, and provided it does not impede traffic, or encroach into a no-parking zone. Moving the boat and boat trailer from one street location to another after seven (7) consecutive evenings shall not be considered to be compliance with this section. In order to comply with this section, the boat and boat trailer must be removed from the streets of the city.
- d. Notwithstanding the foregoing, no boat trailer or boat shall be parked on the north side of Tennessee Avenue from the Ocean City municipal boat ramp to Bay Avenue, included, or on the south side of Tennessee Avenue for a distance of six hundred (600') feet measured from the bulkhead at the Ocean City municipal boat ramp toward Bay Avenue, at any time.
- e. No commercial trailer, construction trailer, construction vehicle, or construction equipment shall be parked overnight on any street or alley without prior issuance of a permit for such activity, in accordance with Section 23-5.1 of these Revised General Ordinances.
- f. The operator or person in possession of the vehicle, commercial vehicle, trailer, or boat and trailer shall be responsible for any violation of this section. The owner of any vehicle, commercial vehicle, trailer, or boat and trailer shall be liable if the operator or person in possession thereof is operating it with the consent or permission of the owner.
- g. Every person convicted of a violation of this section shall be liable for penalty not to exceed one thousand dollars (\$1,000) for each offense. Each day of continuing violation shall be punishable as a separate offense.

#### SECTION 2.

Section 23-5, "REGULATIONS FOR CONSTRUCTION PROJECTS", of Chapter XXIII, "Regulations for Construction Projects" is hereby revised to read as follows:

[Ord. #1182, § 7.1]

**23-5.1 Use of Public Streets for Commercial Trailers, Construction Trailers, Construction Vehicles, Construction Equipment, and Construction Dumpsters; Overnight Street Parking.**

[Ord. #1182, § 7-1.1; Ord. #93-13; amended 5-27-2021 by Ord. No. 21-17]

A. Definitions. For purposes of this Section, the following definitions shall apply:

- i. "Work Site" shall mean an exact location, or property within the jurisdiction of the City of Ocean City where construction, demolition, renovation, ordinary maintenance, or related activities are taking place.
- ii. "Work Zone" shall mean the area in the public right-of-way (not including an alley) immediately adjacent to a Work Site, from property line to property line, or as established by the Code Official in special circumstances. For Work Sites located on a corner, the Work Zone shall include the public right-of-way both in front of the Work Site and along the side of the Work Site but shall not include any area within a sight triangle.
- iii. "Commercial Trailer" shall mean a detachable vehicle designed to be drawn by a motor vehicle for the storage or transportation of contents intended for use for commercial purposes.
- iv. "Construction Trailer" shall mean a detachable vehicle designed to be drawn by a motor vehicle for the storage or transportation of tools, material, equipment of other contents intended for use in construction, demolition, renovation, and/or related activities.
- v. "Construction Vehicle" shall mean any car, truck, van, bus or similar vehicle intended for use associated with construction, demolition, renovation, and/or related activities occurring or for which a permit has been issued at a Work Site. For purposes of this ordinance, a contractor's vehicle while parked, for example, on the street in front of his home is not a construction vehicle.
- vi. "Construction Equipment" shall mean any machine, lift, or similar apparatus intended for use in construction, demolition, renovation, and/or related activities.
- vii. "Construction Dumpster" shall mean any container, used for the storage and disposal of Construction and Demolition Solid Waste Type 13C, as defined in N.J.A.C. 7:26-2.13(g). This shall include open-topped roll-off type dumpsters and any other container, dump trailer, truck, or similar apparatus that is used for the storage and disposal of Construction and Demolition Waste.
- viii. "Code Official" shall mean any public officer having jurisdiction to promulgate the provisions of this ordinance, including Municipal Code Official, Construction Official, Zoning Official, Chief of Police and/or any of their designees.
- ix. "Overnight" on weekdays shall mean after 6:00 p.m. and before 8:00 a.m.; and, on weekends shall mean before 8 a.m. on Saturday, and between 5:00 p.m. on Saturday and 8:00 a.m. the following Monday.

B. No construction dumpster shall be parked on any street or alley without prior issuance of a permit. The permit shall be issued by the Code Official or his designee following the filing of an application for same, indicating the exact Work Zone in which the dumpster is permitted to be parked and the length of time required for parking.

- i. Upon review of the application, the Code Official or his designee may issue a permit for a specific space, in thirty (30) day increments, for a maximum of 1 year.
- ii. Any person requiring a permit for more than one year shall justify the need for an extension in writing, prior to the expiration of the initial permit, subject to approval by the Code Official or his designee.
- iii. *Extensions:* For any construction dumpster that must remain parked on the street beyond the permit expiration date, it shall be the responsibility of the applicant to ensure permit is extended prior to expiration.

C. The maximum size for a construction dumpster placed on a public street shall be 20 cubic yards; however, for "Special Circumstances" properties described in section F, below, the City Engineer or his designee may approve the use of a construction dumpster with up to 30 yards in capacity.

- D. Commercial trailers, construction trailers, construction vehicles, construction equipment, or construction dumpsters that are parked on the street shall not exceed twenty-two (22) feet in length.
- E. From May 1 through September 30, commercial trailers, construction trailers, construction vehicles and construction equipment parked on the street overnight shall only be permitted within the Work Zone adjacent to the Work Site for which a demolition or construction permit is issued, except in Special Circumstances pursuant to sub-section F, below.
- F. Special Circumstances.
- i. Work done at city-owned property, and/or in the course of public projects by the city or other governmental subdivision, or by a public utility shall be exempt from the requirements of this Section.
  - ii. The provisions of this section shall not apply to service vehicles parked in residential areas during the performance of said services.
  - iii. For Work Sites which have limited access (e.g., waterfront or non-alley lots and lots with less than 30' street frontage), and in other situations which may require a specially designated Work Zone (e.g., the use of street ends for barge-based work) or other special parking permission, the Work Zone or other special parking permission shall be determined by the Code Official or their designee.
  - iv. The approval of permits for emergency overnight on-street parking outside of a Work Zone shall require approval by the mayor, or his designee. A permit for emergency overnight parking, outside of a Work Zone may be issued for an exact location, for a maximum of thirty (30) days. The designation of an emergency shall be the determination of the mayor, or his designee.
  - v. Work Sites from and including the intersection of 5th Street and Asbury Avenue to and including the intersection of 14th Street and Asbury Avenue and westward from Asbury Avenue to the alley on corners between 5th Street and 14th Street; and on 8th Street from West Avenue to the boardwalk; nor on 9th Street from the bridge to the boardwalk; and on 10th Street from West Avenue to the boardwalk shall require a specially designated Work Zone, or other special parking permission, the availability and location of which shall be determined by the mayor or his designee.
- G. Every construction dumpster delivered within the City shall be equipped with a cover. Covers must be supplied by the owner or provider of the dumpster. The cover shall be of sufficient size to completely cover the dumpster and shall be capable of attachment thereto. All dumpsters must remain covered when not in use so as to adequately contain all materials.
- Covers shall be made of such durable material as will enable the cover to be secured and to remain in place during transit within and outside the city; and to prevent the spilling or discharge of debris or other materials while being transported from the city to the disposal site to ensure compliance with N.J.S.A. 39:4-77 and N.J.A.C. 7:26-3.4(i).
- H. To warn the operators of vehicles of the presence of a traffic hazard requiring the exercise of unusual care, any box, device, roll-off dumpster, or roll-off container parked on or along any street within the City of Ocean City shall be equipped with reflective panels. These panels shall be mounted at the edge of the box or device at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic.
- I. The owner or provider of a dumpster shall ensure that public streets are protected during the delivery, loading, and unloading of said dumpster. Every construction dumpster placed on a public street shall have wood or similar material under each roller or contact point with the street, so as to prevent unnecessary damage.
- J. No construction materials or portable toilets shall be placed or stored in a Work Zone in the public right-of-way. Construction materials and portable toilets must be stored on the Work Site.
- K. No portable storage unit shall be stored on any street or within the public right-of-way in any zone.
- L. Commercial trailers, construction trailers, construction vehicles, construction equipment, or construction dumpsters shall be promptly moved or removed from public property upon the direction of the mayor, Code Official, or their designee.

### **§ 23-5.2 Damage to Public Sidewalks and/or Streets.**

[Ord. #1182, § 7-1.2]

Following construction of any improvement, no occupancy permit for any use shall be issued until the Construction Official certifies that all streets and public sidewalks abutting the subject property are in good repair and free from any construction-related damage.

### **§ 23-5.3 Construction Fencing.**

[Ord. #1182, § 7-1.3]

- a. Every construction site, for new development or projects requiring the issuance of a Certificate of Occupancy, shall maintain, throughout the duration of demolition and construction, a temporary physical barrier, made of plywood or silt fence, at least two (2) feet in height measured from grade, around the entire construction site or disturbance. The fence may allow egress and ingress to the front or rear (on alley lots) of the site.
- b. Excavations for below grade improvements, including foundation and swimming pool installations, shall be adequately fenced or barricaded until such time as approved permanent fences and/or barriers are installed.

### **§ 23-5.4 Demolition Debris.**

[Ord. #1182, § 7-1.4]

*DELETED*

### **§ 23-5.5 Construction Deliveries.**

[Ord. #1182, § 7-1.5]

*DELETED*

### **§ 23-5.6 Movement or Relocation of Structures.**

[Ord. #1182, § 7-1.6]

Any movement or relocation of a structure requiring use of the streets of Ocean City shall be required to have an approved schedule and route in a written permit issued by the City Engineer's Office. Upon application for such a permit, the applicant shall file a moving plan and schedule. Said plan shall be reviewed by the City Engineer for routing and by the Chief of Police for traffic scheduling. The plan shall be submitted at least seven (7) days prior to the actual move. In no case shall any structure be moved on Saturdays or Sundays. No movement or relocation shall be permitted between Memorial Day and Labor Day except in case of emergency.

### **§ 23-5.7 Driving Pilings.**

See section § 12-8

### **§ 23-5.8 Violations; Penalties**

Every person convicted of a violation of this section shall be liable for penalty not to exceed one thousand dollars (\$1,000) for each offense. Each day of continuing violation shall be a separate offense and shall be punishable as a separate offense.

## **SECTION 3.**

Number 6, of § 30-1.2. "Schedule B: Miscellaneous Licenses, Permits and Registrations" in Chapter XXX, "Municipal Fees" is hereby revised to read as follows:

§ 30-1.2. Schedule B: Miscellaneous Licenses, Permits and Registrations.

Construction Dumpsters; Permit for Overnight Street Parking  
[Amended 5-27-2021 by Ord. No. 21-17]

A separate fee shall be charged for each construction dumpster parked on the street overnight.

Unmetered parking permit (the size of un-metered space shall not exceed 22 feet)	\$75.00 per space per 30-day period, or portion thereof
----------------------------------------------------------------------------------	---------------------------------------------------------

Metered parking permit: (parking meters are effective May 1st and shall remain in effect no later than October 31st of each year)	\$300.00 per space per 30-day period, or portion thereof
--------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------

Permits may be issued for a maximum period of 180 days for un-metered parking spaces, and 30 days for metered parking spaces. If additional time is required, a new application shall be submitted 10 days prior to expiration of the existing permit. Fee shall be \$100.00 per additional extension of 30 days, or portion thereof.

**SECTION 4.**

Section 7-3, "PARKING", Chapter VII, "Traffic" is hereby revised to read as follows:

**§ 7-3.8 Parking of Trucks; Provisions and Prohibitions.**

- a. No vehicle, as defined in N.J.S.A. 39:1-1 et seq., exceeding twenty-two (22') feet in length, or commercial vehicle likewise defined in N.J.S.A. 39:1-1 et seq. weighing more than ten thousand (10,000) pounds GVWR shall be permitted to be parked upon any street, alley or right-of-way at any time within the City of Ocean City.
- b. Vehicles not exceeding twenty-two (22') feet in length and not weighing more than ten thousand (10,000) pounds GVWR may park upon the street, alley or right-of way in Ocean City only in accordance with §4-32 and §23-501 of these Revised General Ordinances.

**SECTION 5.**

Chapter 4, Section 4-17.10, "Construction Debris and Material" is hereby deleted. Its provisions have been incorporated into §23-1.1(g) and §23-5.1 H.

**SECTION 6.**

Chapter 23, Section 23-1 formerly reserved shall now be entitled "Construction Site Requirements" of the General Ordinances of the City of Ocean City is hereby adopted with complete text as follows:

**§ 23-1 Construction Site Maintenance**

**§ 23-1.1 General**

- a. All construction sites and adjoining properties, public or private, shall be maintained free from accumulations of debris, trash, scraps, trimmings, saw dust, micro-plastics, and any material that may pose a hazard or nuisance to the public.
- b. Construction sites shall be maintained free from weeds, brush, overgrowth and dead or dying trees or vegetation until such time as permanent landscaping is completed in compliance with 25-1700.25
- c. Construction sites shall be secured at all times so as to prevent entry or attractive nuisance.
- d. Proper surface grading shall be maintained throughout the duration of construction, so as to promote proper drainage and prevent the collection of standing water, until such time as the approved finished grade is achieved. Drainage shall not negatively impact adjacent properties
- e. Proper Sediment catchment is required to prevent erosion and prohibit suspended solids from depositing in public drainage way and municipal storm sewer system.

- f. Subdivisions, Site Plan Applications, and other projects and development applications requiring maintenance guarantees or performance guarantees pursuant to 40:55D-1 et seq. shall maintain the entire site or subdivision in compliance with § 25-1600.7.1.
- g. It shall be unlawful for any contractor, builder, or other person performing any construction upon any property in the City of Ocean City to permit any construction debris material to remain on the property or any adjoining property unless such debris is contained within a crate, box or similar device approved by the Enforcing Official. The box or device shall be large enough to contain all construction material and debris and shall be removed and emptied at regular intervals by the contractor, builder or other person performing the construction work so as not to allow it to remain on the premises for unreasonable periods of time.

#### **§ 23-1.2 Sidewalk Maintenance**

- a. Throughout the duration of any construction project, the contractor or property owner shall maintain sidewalks and curbs located in the public right of way in a safely passable condition for pedestrian traffic.
- b. Sawing, cutting, or otherwise performing construction activities on the public sidewalk is prohibited. Construction work must be contained on the subject site.
- c. Any partially demolished or removed portion of sidewalk or curb caused by damages from demolition or construction activity, or to provide for the installation of underground utilities, shall require the installation and maintenance of an adequate temporary walking surface. Temporary walking surfaces shall:
  - 1. be made from compactable material, so as to provide a firm, safe, and level walking surface
  - 2. be maintained free from potential tripping hazards
  - 3. be no less than 36 inches (3 feet) wide
  - 4. have a cross-slope not to exceed 2% (1:48)
  - 5. Time frame. Temporary sidewalks must be permanently restored within 6 months.
  - 6. Complete demolition or removal of entire sidewalk or curb shall be replaced within forty-eight (48) hours
  - 7. Permanent curb and sidewalk construction shall comply with 17-2

#### **23-1.3 Dust Control**

- a. All construction-related activities shall employ effective dust control measures to prevent the emission of sawdust, sanding dust, fiberglass dust, micro-plastics, and any other material or particulate matter.
- b. Contractors shall utilize adequate containment methods to manage dust, debris, and construction materials generated during construction activities.
- c. All particulate material shall be contained on the subject site and cleaned up at the end of each working day.
- d. Cutting of masonry material shall require wetting of the material

#### **23-1.4 Prohibition on Storm Drain Disposal**

Contractors are strictly prohibited from depositing debris, dust, or plastic contaminants into streets and/or storm drains. All contractors must dispose of waste materials properly in accordance with existing municipal waste disposal regulations.

#### **23-1.5 Dewatering**

- a. The removal of surface water and/or ground water for construction of below-grade improvements, including foundations and swimming pools, shall not create a public nuisance.
- b. Ground water shall not be discharged into the sanitary sewer. Uncontaminated ground water shall be discharged into the municipal storm sewer system.
- c. Proper Sediment catchment is required to prevent any suspended solids from depositing in public drainage way and municipal storm sewer system.
- d. Equipment: including pumps, drainage lines, and sediment catchment devices shall not impede any part of the public right of way and shall not impede pedestrian or vehicular traffic or parking.

- e. Dewatering for in-ground swimming pools is prohibited from July 1st through August 31<sup>st</sup>.
- f. Dewatering activities shall not exceed thirty (30) days.

**SECTION 7.**

All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

**SECTION 8.**

If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance which shall remain in full force and effect.


**SECTION 9.**

This Ordinance shall take effect in the time and manner prescribed by law.

\_\_\_\_\_  
Jay A. Gillian, Mayor

\_\_\_\_\_  
Terry Crowley, Jr., Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the 17<sup>th</sup> day of July, 2025 and was taken up for a second reading and final passage at a meeting of said Council held on the 7<sup>th</sup> day of August, 2025 in Council Chambers, City Hall, Ocean City, New Jersey, at six o'clock in the evening.

  
\_\_\_\_\_  
Melissa G. Rasner, City Clerk