

October 7, 2019
COMMISSION MEETING MINUTES
BOROUGH OF COLLINGSWOOD, NJ

A regular meeting of the Board of Commissioners was held at the Collingswood Community Center 30 Collings Ave. Collingswood, NJ, on the second floor, at 7:00 P.M. Mayor M. James Maley, Jr. called the meeting to order, with Commissioner Joan Leonard present and Commissioner Robert Lewandowski present.

Mayor Maley read the Sunshine Notice stating that the Borough has complied with provisions of the Sunshine Law by adopting before January 10 of this year, a resolution prescribing the dates, times and locations of all regular meetings of the Commission. Mayor Maley led the Pledge of Allegiance.

The CFO, Municipal Court Treasurer and Zoning Official reports were approved and seconded. The Minutes were approved and seconded -June 2019. July 2019

PRESENTATIONS:

*Recognition of Police Officers for Cooper River Water Rescue:
Officer Kenneth Jacoby III
Officer William Moore*

Chief Kevin Carey described the events of the water rescue and commended Officers Jacoby and Moore for saving the life of the individual who fell in the water.

Mayor Maley congratulated the officers and reminded residents to practice safety and caution while on the water because over the past few years the police and fire have had to respond to a few water rescues.

RESOLUTION:

168. Appointing Kenneth Jacoby as Police Sergeant for the Borough of Collingswood

OATH:

Kenneth Jacoby

***The Commissioners called for the Second Reading and Public Hearing of Ordinance 1667
PROHIBITING SMOKING ON PUBLIC PROPERTY IN THE BOROUGH OF COLLINGSWOOD***

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the State of New Jersey expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

WHEREAS, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public buildings, public parks and recreational areas, may prohibit smoking on such property; and

WHEREAS, the Board of Commissioners of the Borough of Collingswood ("Borough") recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas; and

WHEREAS, the Board of Commissioners has determined that the public interest is especially implicated in preventing the youth of Collingswood from being exposed and succumbing to the temptations of experimenting with tobacco products; and

WHEREAS, the Board of Commissioners also finds that the appearance of public spaces can be enhanced and the limited resources of Borough's Department of Public Works can be conserved if

smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF COLLINGSWOOD THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED AND MADE PART OF THE BOROUGH CODE.

SECTION 1. Smoking, which shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter than can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device, is prohibited inside or on any municipally-owned public property in the Borough of Collingswood.

SECTION 2. Municipally-owned public property shall include municipal buildings that include all structures owned, leased, rented and/or operated by the Borough, and/or occupied by Borough employees and used for official business of the Borough, PUBLIC OPEN SPACE, PARKS AND RECREATIONAL FACILITIES that include all areas adjacent to such municipal buildings, including, but not limited to, any parking area, driveway or drive aisle and any and all public parks, playgrounds, ball fields, publicly owned or leased by the Borough and all property owned or leased by the Borough upon which the public is invited or upon which the public is permitted and where individuals gather for enjoyment and recreational activities.

SECTION 3. Smoking shall be prohibited in all Municipal Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

SECTION 4. Smoking shall be prohibited within a thirty-five-foot radius of the front entrance of all Municipal Buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five-foot perimeter of the front entrance of all Municipal Buildings where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

SECTION 5. Smoking shall be prohibited in all Municipally-owned public spaces, parks and recreation facilities and all property owned or leased by the Borough upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to Municipal Buildings, including, but not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

SECTION 6. Any person who violates any provision of this chapter shall be subject to a fine of not less than \$250.00 for the first offense, \$500.00 for the second offense and \$1,000.00 for each subsequent offense. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the Borough's employment policies and procedures.

SECTION 7. If any section of provision of this ordinance shall be determined to be non-enforceable by a Court of competent jurisdiction the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 8. All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 9. This ordinance shall take effect upon publication as provided by law.

Mayor Maley opened the Ordinance to the Public

Lynn Rosner, Camden Co Employee and Cherry Hill resident congratulated the Commissioners on approving this ordinance and informed the Commissioners that Tabaco Free signs will be supplied to the Borough from Healthy New Jersey

With no further comments Mayor Maley moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

The Commissioners called for the Second Reading and Public Hearing of Ordinance 1668 REGULATING OUTDOOR LIGHTING IN THE BOROUGH OF COLLINGSWOOD

WHEREAS, The Board of Commissioners of the Borough of Collingswood does herein find that regulation of outdoor lighting in the Borough of Collingswood is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light) and/or unnecessary sky glow and has determined that regulation is necessary to discourage the waste of electricity and to improve or maintain nighttime public safety, utility and security.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Collingswood that the Borough Code is amended to include the following ordinance.

- A. All outdoor light fixtures installed and thereafter maintained, other than those serving one- and two-family dwellings, shall comply with the following requirements:
- (1) Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.
 - (2) Where used for commercial and industrial purposes, such as in merchandise display areas, work areas, platforms, signs, architectural, landscape or sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:
 - (a) Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 - (b) Other upward-directed architectural, landscape or decorative direct light emissions shall have at least 90% of their total distribution pattern within the profile of the illuminated structure.
 - (c) Recreational and sports facility lighting shall be shielded whenever possible. Such lighting shall have directional and glare control devices, when necessary, to comply with Subsection B.
 - (d) Externally illuminated signs, including commercial billboard, building identification or other similar illuminated signs, shall comply with the following:
 - [1] Top-mounted light fixtures shall be shielded and are preferred.
 - [2] When top-mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.
 - (e) All other outdoor lighting shall use shielded light fixtures.

- (3) All floodlight-type fixtures, once properly installed, shall be permanently affixed in the approved position.
 - (4) Foundations supporting lighting poles not installed four feet behind the curb shall not be less than 24 inches above ground.
 - (5) When 50% or more of existing outdoor light fixtures are being replaced or modified, then all lighting must be made to conform with the requirements of this section.
- B. Light trespass (nuisance light). All light fixtures, except street lighting and those used on one- or two-family dwellings, shall be designed, installed and maintained to prevent light trespass, as specified in Subsection B (1) and (2) below.
- (1) At a height of five feet above the property line of the subject property, illuminations from light fixtures shall not exceed 0.1 footcandle in a vertical plane on residentially zoned property.
 - (2) Outdoor light fixtures installed and thereafter maintained shall be directed so that there will not be any objectionable direct glare source visible above a height of five feet from any property or public roadway.
- C. Illuminance and luminance requirements. Illuminance and luminance requirements shall be as set forth in the current editions of the Lighting Handbook of the Illuminating Engineering Society of North America (“IESNA”) and other IESNA publications. This chapter adopts those standards.
- (1) Streetlighting. Average IESNA illuminance recommendations should not be exceeded. IESNA average-to-minimum illuminance uniformity ratios are to be used as a guide for designing safe and adequate roadway lighting.
 - (2) Outdoor parking facilities. Outdoor parking lot illuminance shall be based on certain illuminance specifications recommended by the IESNA, as contained in Schedule A.
 - (3) All other illuminance uses shall not exceed IESNA recommendations.
 - (4) Internally illuminated signs shall not exceed IESNA luminance recommendations.
- D. Electric utility floodlights. No electric utility floodlight intended for property illumination shall be located within the public right-of-way on any public roadway or on any property unless:
- (1) The luminaire is sufficiently shielded and aimed so that no objectionable direct glare source is visible at any point on the roadway where the viewing height is five feet or greater and when the distance from the mounting pole is 70 feet or greater.
 - (2) The property being illuminated does not exceed the maximum maintained illuminance levels to perform the lighting task prescribed in Subsection C, Illuminance and luminance requirements, of this section.
 - (3) All electric utility floodlights shall be subject to the requirements in Subsection B, Light trespass (nuisance light).

Schedule A

Maintained Illuminance for Parking Lots

	Basic	Enhanced Security
Horizontal illuminance		
Minimum	0.2 fc	0.5 fc
Average	1.0 fc	2.5 fc
Uniformity ratios		
Average-to-minimum	5:1	5:1
Maximum-to-minimum	20:1	15:1
Minimum vertical illuminance	0.1 fc	0.25 fc

Notes:

1. Minimum horizontal illuminance shall be no lower than 0.2 fc.
2. Average horizontal illuminance shall not exceed 2.5 fc.
3. Uniformity ratios are to be used as a guide.
4. Minimum vertical illuminance shall be measured at 5.0 feet above parking surface at the point of lowest horizontal illuminance, excluding facing outward along boundaries.
5. For typical conditions: During periods of nonuse, the illuminance of certain parking facilities should be turned off or reduced to conserve energy. If reduced lighting is to be used only for the purpose of property security, it is desirable that the minimum (low point) not be less than 0.1 hfc in susceptible areas of the property. Reductions should not be applied to facilities subject to intermittent night use, such as apartments, hospitals and active transportation areas.
6. If personal security or vandalism is a likely and/or severe problem, an increase above the basic level may be appropriate.
7. High vehicular traffic locations should generally require the enhanced level of illumination. Exits, entrances, internal connecting roadways and such would be some examples.
8. Increasing the above illuminance is not likely to increase safety and security. Variance requests for higher levels will generally be for "retail" reasons and should not be granted unless shown to be necessary and at an average illuminance not to exceed 3.6 fc.

Mayor Maley opened the Ordinance to the Public

With no comments Mayor Maley moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

The Commissioners called for the Second Reading and Public Hearing of Ordinance 1669

SUBJECT: AN ORDINANCE BANNING THE USE OF SINGLE-USE PLASTIC BAGS IN THE BOROUGH OF COLLINGSWOOD

Purpose: The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use plastic bags by Retail Establishments and Retail Stores in the Borough of Collingswood. The regulations are intended to assist the Borough in reducing its carbon footprint by promoting products that will protect the environment, wildlife, and the public health and welfare and safety of the community.

The ordinance shall begin with voluntary participation effective October 15, 2019 and continuing through April 15, 2020 at which time all provisions of this ordinance shall be mandatory.

WHEREAS, the Commissioners of the Borough of Collingswood are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare of the Borough and its residents; and

WHEREAS, the Commissioners have been presented with verifiable information regarding single use plastic bags within the Borough and beyond its borders including the following widely reported statistics:

- (a) on average, one person uses 500 single-use disposable bags per year, four billion single-use shopping bags are used annually in New Jersey, and 102 billion are used nationwide;
- (b) one bag is used on average for 20 minutes before it is disposed of;
- (c) it takes approximately 1,000 years for a plastic bag to decompose;
- (d) only about 1% of plastic bags are recycled;

- (e) eighty percent of the plastic and trash that finds its way into our oceans comes from the land;
- (f) twelve million barrels of oil are used annually to make the plastic bags that Americans use, emitting 4.8 million metric tons of CO₂ into our atmosphere and contributing to global warming and climate change.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Borough of Collingswood, County of Camden, State of New Jersey that the following ordinance shall be added to the Borough Code:

DEFINITIONS: The following definitions shall apply to this Ordinance.

Retail Establishment or Retail Store. Any retail establishment or retail store shall mean any commercial enterprise, whether or not operated for-profit, including, but not limited to, mercantile establishments, department stores, food service establishments, restaurants, pharmacies, convenience and grocery stores, supermarkets, clothing stores, seasonal and temporary businesses, special event vendors, farmers' market vendors, jewelry stores, and stores which sell household goods, or any other commercial establishment not specifically identified herein, which may utilize single-use plastic bags for the conveyance of merchandise by its customers in the Borough of Collingswood.

Goods and Products. Items that are prepared and/or made to be sold, including, but not limited to, clothing, food and groceries, prepared foods, beverages, merchandise, books, jewelry, tobacco products, toys, furnishings, novelty items, and any and all other things and items sold at Retail Establishments or stores.

Produce Bag or Product Bag. Any bag without handles that is used exclusively to segregate produce, meats, other food items, and merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items, where such contact could damage or contaminate other food or merchandise when placed together in a reusable or recycled bag.

Recyclable Paper Carryout Bag. A paper bag that meets all of the following requirements: (1) contains no old-growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of American Society of Testing and Materials (ASTM) Standard 06400; (4) is accepted for recycling in curbside programs in the Borough; (5) has printed on the bag the name of the manufacturer, the location where the bag was manufactured, and the percentage of post-consumer recycled material used; and (6) displays the word "Recyclable" in a visible manner on the outside of the bag.

Retail. The sale of goods and products for use and/or consumption.

Reusable Bag. A bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, is at least 2.25 mil thick if made from plastic, has a minimum lifetime of 75 uses, and is

capable of carrying a minimum of 18 pounds.

Single-Use, Plastic Carryout Bag. A bag, sheet or receptacle produced or manufactured from a material commonly known as “plastic” or “polyethylene” provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting goods or products out of the establishment. The term single-use, plastic carryout bag does not include reusable bags or garment bags (see other exemptions under “Exemptions” section).

PROHIBITION ON THE USE OF SINGLE-USE, PLASTIC CARRYOUT BAGS

No Retail Establishments or Retail Stores shall provide or offer to any customer Single-Use, Plastic Carryout Bags at the check stand, cash register, or point of sale, as otherwise provided in this Ordinance. This prohibition shall become effective on April 15, 2020. Until such time, beginning on October 15, 2019, Retail Establishments **and Retail Stores shall be encouraged to implement the provision of this Ordinance on a voluntary basis the owners and operators of such establishments and stores** will be solicited and notified by representatives of the Borough in cooperation with Sustainable Collingswood (“Collingswood Green Team”) of the requirements of this Ordinance. The Borough shall track progress and coordinate with the Green Team to provide Retail Establishments and Retail Stores with technical assistance and advise of best practices to implement alternatives to plastic bags.

EXEMPTIONS. The following exemptions shall apply to the requirements of this Ordinance:

1. Produce or Product Bags provided by operators and used by consumers inside Retail Establishments to:
 - a. Contain or wrap frozen foods, meat, or fish, whether packaged or not;
 - b. Contain or wrap flowers, potted plants, or other items where dampness may be an issue;
 - c. Contain unwrapped prepared foods or bakery goods;
 - d. Contain unpackaged bulk produce such as fruit, vegetables, herbs or flavors; or
 - e. Contain refrigerated butchered meat and fish.
 - f. Bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable grocery bag.
 - g. A bag other than a single-use plastic bag at point of sale as defined in the definitions section of this Ordinance that is **designed specifically** for food and customer safety (prepared foods for delivery or off premise consumption).
2. Newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, bags provided by a pharmacy to a customer purchasing a prescription medication, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.

PERMITTED

Retail Establishments and Retail Stores shall also satisfy the requirements of this Ordinance by providing the following alternatives to Single Use Plastic Carryout Bags to their Customers.

1. ALTERNATIVE CARRYOUT BAGS

- a. All Retail Establishments and Retail Stores may provide customers with reusable bags and/or recyclable paper bags as defined in this Ordinance as an alternative to Single-Use Plastic Carryout Bags. Retail Establishments are **required to charge a minimum fee of \$.10** to customers for Reusable Bags or Recyclable Paper Carryout Bags that meet the requirements in this Ordinance.
- b. A Retail Establishment or Retail Store may choose, in its discretion, to provide a credit to customers that choose to bring their own bags.
- c. A Retail Establishment or Retail Store may sell Reusable Bags for an amount determined by the Retail Establishment or Retail Store.

- d. Each Retail Establishment and Retail Store are strongly encouraged to educate its staff to promote the use of Reusable Bags, and to post signs encouraging customers to bring their own Reusable Bags.

VIOLATIONS AND PENALTIES

Violations of the provisions of this ordinance shall be subject to the following requirements and penalties:

1. A duly designated representative of the Borough of Collingswood shall have the responsibility for enforcement of this Ordinance and may if considered to be necessary in the implementation of this Ordinance, promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and imposing penalties.
2. Any Retail Establishment or Retail Store that violates or fails to comply with any of the requirements of this Ordinance after an initial written warning notice has been issued for that violation shall be liable for infraction violation.

If a Retail Establishment or store has subsequent violations of this Ordinance after the issuance of an initial written warning of a violation, the following penalties will be imposed and shall be payable by the operator of the retail establishment or store:

- a. A fine not exceeding \$150 for the first violation after a written warning; and
- b. A fine not exceeding \$250 for the second violation after the written warning; and
- c. A fine not exceeding \$500 for the third and any subsequent violations after the written warning.

TEMPORARY EXEMPTION REQUESTS

Any Retail Establishment or Retail Store may apply in writing to the Borough's designated representative for a temporary exemption from the requirements of this Ordinance, due to demonstrated hardship in implementing this Ordinance within the time period set forth herein.

1. Exemption decisions are effective upon Borough approval shall be considered to be final, and they are not appealable except as otherwise provided for by law. The Borough's designated representative may also impose conditions upon approval of any temporary exemption request.
2. A fee of \$50 shall be required for all exemption requests.
3. Temporary exemptions may be granted for a period not to exceed 6 months.

NO CONFLICT WITH FEDERAL OR STATE LAW

Nothing in this Ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Mayor Maley opened the ordinance to the public

With no comments Mayor Maley moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

***Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski***

THE COMMISSIONERS CALLED FOR THE REINTRODUCTION OF ORDINANCE 1670

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 237
OF THE BOROUGH CODE,
“RENTAL PROPERTY”**

WHEREAS, Chapter 237 of the Municipal Code, entitled “Rental Property,” establishes rules and regulations governing the rental of commercial and residential properties within the Borough of Collingswood (“Borough”); and

WHEREAS, the purpose of the Borough’s rules and regulations are designed to provide for the safety, well-being and quiet enjoyment of the Borough’s residents and visitors; and

WHEREAS, the New Jersey Legislature, pursuant to N.J.S.A. 40:52-1, has authorized municipal corporations to regulate, among other things, “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof”; and

WHEREAS, the Borough is aware of a growing trend, worldwide as well as within the Borough, of residential property owners who have begun renting, or wish to rent their homes, or certain areas within their homes, on a short term basis in an effort to defray their carrying costs and maintenance expenses, and to encourage visitors to support the local businesses and restaurants (“Short Term Rentals”); and

WHEREAS, the Borough Commissioners acknowledge the potential benefits to the residents and businesses as described herein and also recognize that transitory uses of residential property has the potential to affect the residential character of the Borough’s neighborhoods and, if not regulated, produce results that can be injurious to the health , safety and welfare to the community; and

WHEREAS, if not regulated, properties used as Short Term Rentals have the potential to negatively affect the Borough’s residents entitlement to peaceful and quiet enjoyment in their homes and neighborhoods and to result in public nuisances, noise complaints, sanitation problems, illegal parking, overcrowding of residential properties, fire and safety hazards, and other violations of the Municipal Code; and

WHEREAS, the Borough Commissioners wish to balance the interests of the Borough residents as described herein while also providing regulations designed to protect against potential nuisances and preserve the integrity of the Borough’s residential neighborhoods, protect the

Borough's long term housing market and the public health, safety and general welfare of the individuals and the community at large;

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Borough of Collingswood, County of Camden, State of New Jersey, that Chapter 237 of the Municipal Code, "Rental Property," shall be amended in the manner provided in Exhibit A, attached hereto.

Unless expressly amended as stated herein, all other terms and provisions of Chapter 237 shall remain in full force and effect.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

Chapter 237. Rental Property.

§ 237-3 Violations and penalties.

Any person who violates any provision of this Chapter shall, upon conviction in the Municipal Court of the Borough of Collingswood, or such other court having jurisdiction, be liable to a fine not exceeding \$1,000, and subject to revocation of the registration permit. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

Article II. Definitions.

§ 237-4 Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this chapter, shall have the following meaning:

AGENT

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner of this article. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

APARTMENT or DWELLING

Any apartment, cottage, bungalow, any room or rooms, or other dwelling unit, consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or the operation of any industry or business or for any other type of independent use. Each dwelling unit shall contain no more than one kitchen or cooking facility.

COMMERCIAL

Related to or connected with trade and traffic or business and commerce.

COMMERCIAL UNIT

A building or structure, or any part thereof, used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, service, recreational, hotel or motel facilities, or for warehousing purposes, or for any combination thereof.

DWELLING UNIT

Any room or rooms or suite or apartment, including any room or rooms, whether furnished

or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including, but not limited to, the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.

OWNER

Any person or group of persons, firm, corporation or officer thereof, partnership association or trust who owns, operates, exercises control over, and is in charge of a Rental Facility.

OWNER-OCCUPIED

A portion of a rental facility, dwelling, commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person may have only one primary residence in the Borough.

PERSON

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

RENT or RENTED

Occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.

RENTAL FACILITY

Every building, group of buildings or a portion thereof consisting of less than three dwelling units and has sleeping facilities for less than 25 occupants, kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals.

RENTAL UNIT

A dwelling unit or commercial unit which is available by lease, rental or otherwise, to persons other than the owner for a period of not less than 365 days. Rental Unit shall not include that portion of a rental facility, dwelling, commercial unit or dwelling unit that is owner-occupied. Rental Unit shall not include any Rooming House or Boarding House, which are prohibited as set forth in this Chapter.

ROOMING HOUSE or BOARDING HOUSE

A rooming or boarding house as defined under P.L. 1979, c.496, N.J.S.A. 55:13B-1, et al.

SHORT TERM RENTAL OWNER

An individual or group of individuals or legal entity (e.g. trust, family partnership, limited liability company) owning residential real property which contains a Short Term Rental Unit. The residential real property which contains the Short Term Rental Unit must be the primary residence of the Owner of the property or if it is owned by a legal entity, it must be the primary residence of at least one of the owners of the legal entity.

SHORT-TERM RENTAL UNIT

A Dwelling Unit which is made available for occupancy by a Short Term Rental Owner for a period not to exceed 30 days in a calendar year.

TENANCY

Occupancy of a Rental Unit or Short Term Rental Unit by one or more tenants.

TENANT

Person occupying a Rental Unit or a Short Term Rental Unit other than the owner.

Article III. Rental Registration, Rental Permit, Rental Certificate of Occupancy, and Rental Inspections.

§ 237-5 Registration.

- A. All Rental Units and Short Term Rental Units shall be registered annually with the Borough Clerk or other designated department of the Borough in accordance with procedures established by the Borough, on forms which shall be provided for that purpose. Such registration shall occur on an annual basis, as provided herein.

No person shall hereafter occupy any Rental Unit or Short Term Rental Unit, nor shall the Owner permit occupancy of any Rental Unit or Short Term Rental Unit within the Borough which is not registered in accordance with this article.

- C. In addition to the annual registration, each Rental Unit shall be registered with each change in occupancy. The registration term shall commence on January 1 and shall be valid for a calendar year, at which time it shall expire and a new registration shall be required.

§ 237-6 Registration forms; filing; contents.

In addition to the registration requirements of N.J.S.A. 46:8-28, all Rental Units and Short-Term Rental Units shall be registered annually, as provided herein. Every owner shall file with the Borough Clerk or other designated department in the Borough, a registration form for each Rental Unit or Short-Term Rental Unit, which shall include the following information:

- A. The name and address of the record owner or owners of the Rental Facility and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, where such individual may be reached both during the day and evening hours.
- B. If the record owner is a corporation or limited liability company, the name and address of the registered agent, together with a telephone number of the registered agent, and the name and address of the corporate officers of said corporation.
- C. If the address of any record owner is not located in Collingswood or in Camden County, the name and address of a person who resides in Camden County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.
- D. The name and address of the managing agent of the premises, if any.
- E. The name and address, including the Dwelling Unit number, apartment or room number, of the superintendent, janitor, custodian or other individual employed by the owner or managing agent to provide regular maintenance service, if any.
- F. The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Camden County, who may be reached or contacted at any time in the event of an emergency affecting the Rental Facility or any Rental Unit or Short Term Rental Unit therein, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith and shall, at all times, have access to a current list of Tenants that shall be made available to emergency personnel as required in the event of an emergency.
- G. The name and address of every mortgagee of the premises.
- H. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
- I. As to each Rental Unit or Short-Term Rental Unit, a specification of the exact number of sleeping rooms contained in the Rental Unit or Short-Term Rental Unit. In order to satisfy this requirement, an Owner shall include a floor plan of each level of the Rental Facility, as part of the application and attached to the registration form when filed with

the Borough Clerk or other designated department.

- J. The name, phone number and age of each Tenant of each Rental Unit. The Short Term Rental Owner of any Short Term Rental Unit shall be responsible for maintaining a record of each Tenant for every Tenancy of the Short Term Rental Unit for a three year period from the termination of each Tenancy. In addition, the Short Term Rental Owner shall maintain a record of each Tenant's permanent address.
- K. The number and type of all pets.
- L. The submitted registration form shall include a copy of a valid Property Liability Insurance policy providing coverage for each Rental Unit or Short-Term Rental Unit for which registration is sought. The Property Liability Insurance policy shall be valid and in effect for the full-term of the registration period.
- M. Such other information as may be prescribed by the Borough of Collingswood.

§ 237-7 Registration form; permit; indexing and filing; public inspection.

- A. The Borough Clerk or designee shall index and file the registration forms. In doing so, the Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration form will also satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered, and will also satisfy the registration requirements of this article.
- B. Upon a determination that the registration application meets the requirements of § 238-6, and completion of an inspection of the Rental Unit or Short Term Rental Unit to the satisfaction of the Borough Fire Department and any other designated official, the Borough Clerk or other designated department shall provide a permit to the Owner. Each Rental Certificate of Occupancy shall correspond only to the Rental Unit listed on the registration application even if more than one Rental Unit is contained in the Rental Facilities.
- C. The owner shall conspicuously post the Rental Certificate of Occupancy or Short Term Rental Unit Certificate of Occupancy at the Rental Unit or Short-Term Rental Unit.

§ 237-8 Registration form; amendments; filing.

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days after any change in the information required to be included thereon.

§ 237-9 Periodic inspections and Unsatisfactory Inspections.

- A. Each Rental Unit or Short-Term Rental Unit shall be inspected at least once every 12-month period.
- B. The landlord of all buildings containing more than 25 Rental Units shall be responsible for conducting annual inspections to confirm compliance with the legal occupancy and building, property maintenance and fire code requirements of the Borough Code to safeguard the health, safety and welfare of all tenants. The landlord shall submit to the Borough a certification annually confirming that all Rental Units located in the building comply with the occupancy, building, property maintenance and fire code requirements of the Borough Code on a form prescribed by Borough officials. Nothing contained herein shall preclude the Borough of Collingswood from conducting inspections of any Rental Unit located within any building containing more than 25 Rental Units in accordance with the provisions of this chapter.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Collingswood.
- C. Such inspection shall be for the purpose of determining zoning ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and/or Uniform Fire Safety Act.
- D. In the event that the inspection(s) of a Rental Unit or Short-Term Rental Unit does not result in a satisfactory inspection, such property shall not thereafter be registered

and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made, so as to bring the property and Rental Unit or Short-Term Rental Unit into compliance with the applicable code, and the property is thereafter subsequently inspected and registered. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and if not made within that time period, the owner shall be deemed in violation of this article, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of this Chapter. The owner, however, shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this article, for good cause shown.

§ 237-10 Access for inspections; repairs.

- A. The inspection officers are hereby authorized to make inspections to determine the condition of every Rental Facility Rental Units, and Short-Term Rental Units, in order that they may promote the purposes of this article to safeguard the health, safety and welfare of the occupants of every Rental Facility, Rental Units, and Short-Term Rental Units. For the purposes of making such inspections every Owner(s) and Tenant of every Rental Facility or Rental Units, and Short-Term Rental Units shall provide access to the Borough's, inspecting officers who are hereby authorized to enter, examine and survey every Rental Facility, Rental Units, and Short-Term Rental Units at all reasonable times. In the event of an emergency or when a public health danger is presented, as determined by the inspecting officers or other Borough public safety officials, said consent shall not be required prior to the entry and inspection of any Rental Facility, Rental Units, or Short-Term Rental Units.
- B. Every Owner shall provide access to the Borough representatives access to any part of such Rental Facility, Rental Unit, or Short-Term Rental Unit at all reasonable times for the purpose of making such repairs or alterations, as are necessary, to effect compliance with the provisions of this article.
- C. Failure of any Owner or Tenant of any Rental Facility, Rental Unit or Short Term Rental Unit to provide access to the Borough's inspecting officers for the purposes stated herein shall be cause for immediate termination of the registration permit.

§ 237-11 Inspection and reinspection fees.

- A. At the time of the filing of the registration form the Owner or agent of the Owner must pay an inspection fee as follows:
 - (1) For one to seven nonowner occupied units: \$60 per Rental Unit or Short Term Rental Unit.
 - (2) For eight to 25 nonowner occupied units: \$55 per Rental Unit.
 - (3) For more than 25 nonowner occupied Rental Units: no charge.
- B. In the event that a reinspection of a Rental Unit or Short-Term Rental Unit is deemed to be necessary pursuant to § 237-10, the owner or agent of the owner must pay a reinspection fee as follows:
 - (1) First reinspection: no charge.
 - (2) Second reinspection: \$45 per unit.
 - (3) Third reinspection: \$60 per unit.
- C. An inspection fee in the amount of \$45 shall be imposed upon each change of occupancy for each Rental Unit.
- D. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no inspection or reinspection fee.
- E. If any inspection or reinspection fee is not paid within 30 days of its due date, a late fee surcharge of \$50 will be assessed.

§ 237-12 Taxes and other municipal charges; payment precondition for registration.

No Rental Unit or Short-Term Rental Unit may be registered unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

Article IV. Rental Unit and Short-Term Rental Unit Standards and Facilities Required.

§ 237-13 Rental Unit; Minimum Term.

Rental Units must be Rented for a minimum of 365 consecutive days, whether by lease or otherwise.

§ 237-14 Insurance.

All properties registered as a Rental Unit or Short-Term Rental Unit must be insured through an applicable combined Property/Liability Insurance single limit of no less than policy of \$500,000.

§ 237-15 Maintenance Standards.

All Rental Units and Short-Term Rental Units shall be maintained in accordance with the Uniform Construction Code, the BOCA National Property Maintenance Code, and the Code of the Borough of Collingswood.

§ 237-16 Occupant(s) standards.

- A. Occupants. Only those occupants whose names are on file with the Borough Clerk, as provided in this article, may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.
- B. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the Rental Unit or Short Term Rental Unit.
- C. Nuisance prohibited. No Rental Facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance, as defined in the ordinances of the Borough of Collingswood.
- D. Compliance with other laws. The maintenance of all Rental Facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Collingswood, and with all applicable state and federal laws.
- E. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of this Chapter.

§ 237-17 Facilities required.

Heating and cooling facilities shall be provided in all Rental Facilities, Rental Units, and Short-Term Rental Units. This article does not amend, but rather enhances, the general heating requirements contained in Chapter 211 of the Municipal Code of the Borough of Collingswood, to impose additional requirements upon landlords who have agreed, either expressly or implicitly, to provide their tenants with heating and cooling facilities.

§ 237-18 Residential rental structures.

Every Rental Unit or Short-Term Rental Unit located within the Borough shall be provided with heating and cooling facilities capable of maintaining certain temperatures within the living area of the Rental Unit or Short-Term Rental Unit.

- A. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, Rental Unit or Short Term Rental Unit, on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to April 30 to maintain the room temperature at no less than 65° F. in all living areas of the Rental Units or Short-Term Rental Units during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60° F. during all other hours.

- B. Cooling supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, Rental Unit or Short Term Rental Unit, on terms, either express or implied, to furnish air conditioning or cooling mechanisms to the occupants thereof shall supply sufficient cool air during the period from May 1 to September 30 to maintain the room temperature at no more than 74° F. in all living areas of the Rental Units or Short Term Rental Units.

§ 237-19 Inspection; remedial measures.

- A. Landlords who have agreed to provide heating and/or cooling facilities to their tenants shall be bound to such obligation. Failure of heating and/or cooling facilities, mechanical, electrical or otherwise, shall not excuse a landlord's obligation to provide such facilities.
- B. Borough officials, accompanied by trained medical and/or emergency response personnel, shall have the right to enter and inspect any and all Rental Units and Short-Term Rental Units located within the Borough during the hours of 8:00 a.m. and 8:00 p.m., with or without notice to the landlord, or at any other time if the Borough officials are advised of conditions within the Rental Unit(s) or Short-Term Rental Units which do not meet the standards set forth in § 237-18 or which otherwise may present a danger to the health and safety of the tenants of such unit(s).
- C. Upon notice by the Borough after the aforementioned inspection, the landlord shall be obligated to promptly repair the heating or cooling systems for the affected Rental Units or Short-Term Rental Units or, in the alternative, provide for alternate, temporary housing for the tenants of the Rental Unit(s) or Short-Term Rental Units affected by the failed system.
- D. In the event that any landlord in the Borough fails to act in accordance with the requirements contained in this § 237-31, the Borough shall have the authority to act immediately to protect the health and safety of the tenants, if following consultation with trained medical and/or emergency response personnel, it is determined that extreme hot or cold weather conditions exist which may present a danger to the health and safety of Borough residents. To this end, the Borough may either cause the repair of the failed system or provide for alternate temporary housing for the tenants of the Rental Units or Short-Term Rental Units affected by the failed system. All expenses incurred by the Borough pursuant to this Section shall be the responsibility of the landlord of the subject Rental Unit(s) or Short-Term Rental Units.

§ 237-20 Short-Term Rental Units.

This Section is intended to regulate Short Term Rental Units to preserve the health, safety, and public enjoyment of all residents and Tenants within the Borough.

- A. The requirements, prohibitions, restrictions, and all other provisions of this Chapter shall apply to the rental of Short-Term Rental Units and the Short Term Rental Owners.
- B. In addition to the requirements, prohibitions, and restrictions set forth in this Chapter, Short-Term Rental Units shall comply with each of the following regulations:
 - (1) The person offering a Dwelling Unit for rent as a Short-Term Rental Unit shall be the Owner of the Dwelling Unit. The Rental Facility containing the Short Term Rental Unit shall be the primary residence of the Owner.
 - (2) Advertisements for the availability of Short-Term Rental Units shall not contain any language that is inconsistent with the requirements and prohibitions set forth in this Section.
 - (2) Short-term rentals shall be limited to a maximum of thirty (30) days per year. However, no Short-Term Rental Unit shall be Rented for more than fourteen (14) consecutive days. A Short Term Rental Owner shall be limited to one Tenancy of a Short Term Rental Unit at any one time.
 - (3) S No Tenancy of a Short Term Rental Unit shall be permitted if such Tenancy causes the Rental Facility to violate the Borough's residential occupancy requirements.

- (4) No accessory buildings on a property may be used for a Short-Term Rental Unit.
- (5) Short-term rentals shall not be conducted in a manner that is disruptive or adverse to the safety, well-being and quiet enjoyment of the Borough's residents and visitors;
- (6) Short-term rentals shall not be permitted for the purpose of hosting commercial or social events.
- (7) Short-Term Rental Units shall not be Rented to any person younger than 21 years of age.
- (8) Signs or any other type of advertisement indicating a Dwelling Unit is available for occupancy as a Short-Term Rental Unit shall not be placed on the property where the Short-Term Rental Unit is located.
- (9) Any Short Term Rental Owner shall be responsible for providing parking for any Tenant of the Short Term Rental Unit.
- (10) Every Rental Facility with a Short-Term Rental Unit shall contain the requisite number of smoke detectors and carbon monoxide detectors as required by the Borough's Fire Safety Code. In the event that the Short Term Rental Owner of the Rental Facility is not present during the Tenancy of the Short Term Rental Unit, each smoke detector and carbon monoxide detector within the Rental Facility shall be hardwired in such a manner that the activation of one detector will activate all of the detectors in the Rental Facility.
- (11) The Short Term Rental Owner of a Short-Term Rental Unit shall post the following information in a prominent location therein:
 - (i) The telephone number of the Short Term Rental Owner and person responsible for building maintenance issues of the Short-Term Rental Unit.
 - (ii) The telephone number(s) for the Borough Police Department, the Borough Fire Department, and the Borough Code Enforcement Department.
 - (iii) The locations of all emergency exit routes, fire extinguishers, and fire alarms within the Short-Term Rental Unit.
 - (iv) The maximum number of parking spaces available onsite.
 - (v) Notification that any Short-term renter shall be subject to fines and penalties for any violations of this Chapter or for violations of the Borough Municipal Code.

Article V. Revocation of Rental Unit or Short Term Rental Unit Certificate of Occupancy.

§ 237-21 Revocation of rental permit; procedure.

- A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to revocation or suspension of the permit or Certificate of Occupancy issued pursuant to § 237-8 upon the occurrence of one or more of the following, after hearing before the Borough Commission or the Commission's designee, as set forth below:
 - (1) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
 - (2) Continuously renting the Rental Unit(s) to a tenant or tenants who are convicted of a violation of the Noise Ordinance.
 - (3) Continuously permitting the Rental Unit or Short Term Rental Unit to be occupied by more than the maximum number of occupants as defined in this article.

- (4) Maintaining the Rental Unit(s) or Short Term Rental Unit(s) or the Rental Facility in a dangerous condition.
- (5) Continuous violations or conviction of a violation under the New Jersey State Housing Code; the Uniform Fire Safety Act; the Uniform Construction Code; the BOCA Maintenance Code; and the New Jersey Building Code.
- (6) Conviction under Chapter 227 of the Borough's Code, entitled "Property Maintenance."
- (7) Continuously renting the Rental Unit(s) or Short Term Rental Units to a Tenant or Tenants who are convicted of local ordinance violations, disorderly persons offenses or other crimes.
- (8) Soliciting, advertising, offering and/or permitting, allowing, or failing to discontinue the use or occupancy of any Rental Unit for a period of 365 days or less or any Short Term Rental Unit for a period of more than thirty (30) days annually or fourteen (14) days consecutively.
- (9) Soliciting, advertising, offering and/or permitting, allowing, or failing to discontinue the use or occupancy of any Rooming House and/or Boarding House.

B. Procedures; written complaint; notice; hearing; appeal.

- (1) Notice. Whenever the Borough or any other person or office authorized to file a notice determines that there has been a violation of this chapter, he or she shall serve a written notice of the violation of the owner or agent, which written notice shall include a statement of the reason or reasons why it is being issued and what action, if any, the owner or agent must make to abate the violation. Said notice shall also state that the violation(s) must be corrected within 10 days and if not, that the certificate of occupancy for the subject property may be revoked after a hearing before the Borough Commissioners.
- (2) Written complaint. If a violation is not corrected within 10 days of the service of the notice thereof, the individual issuing the written notice shall file a written complaint with the Borough Clerk or designee and with the owner or agent by certified and regular mail or by personal service at the address indicated on the registration form. The complaint shall apprise the landlord, owner and/or agent of the charges, so as to permit said individuals to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information. Upon the filing of such written complaint, the Borough Clerk or designee shall immediately inform the Borough Commission, and a date for a hearing shall be scheduled, which shall not be sooner than 10, nor more than 30 days thereafter, unless the landlord, owner and/or agent requests a waiver of the thirty-day requirement and the Borough Commission authorized said waiver. The Borough Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the landlord, owner or agent, if any, at the address at which the written complaint was served.
- (3) Hearing. The hearing required by this section shall be held before the Borough Commission, unless, in its discretion, the Borough Commission determines that the matter should be heard by a Hearing Officer, who shall be appointed by the Borough Commission. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Borough Commission within 30 days of the conclusion of the hearing. The Borough Commission shall then review the matter and accept, reject or modify the recommendations of the Hearing Officer based on the record before such Hearing Officer. In the event that the matter is not referred to a Hearing Officer and is heard by the Borough Commission, then the Borough Commission shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the rental permit or determining that the rental permit shall not be renewed or reissued for one or more subsequent calendar years.
- (4) A stenographic transcript shall be made of the hearing. All witnesses shall be

sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(5) The Borough Solicitor, his designee or appointed special counsel shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

(6) Appeals. If a rental permit is revoked, suspended or the Borough Commission determines that the rental permit shall not be renewed or reissued for one or more subsequent years, the landlord, owner and/or agent may appeal said decision to the New Jersey Superior Court-Law Division in Camden County in accordance with the New Jersey Court Rules.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental permit by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding.

Mayor Maley asked Borough Solicitor Joseph Nardi to explain the ordinance changes resulting in the reintroduction of the ordinance. Mr. Nardi explained the changes include the short term rental property owner is limited to one rental at a time and the addition of a parking requirement that follows the Borough's parking ordinance .

Mayor Maley moved the ordinance be approved on first reading, published, and the second reading and public hearing to be held on November 4, 2019 which was seconded and approved by the following call of the roll:

***Aye: M. James Maley, Jr.
No: Joan Leonard
Aye: Robert Lewandowsk***

THE COMMISSIONERS CALLED FOR THE REINTRODUCTION OF ORDINANCE 1671

**ORDINANCE 1671
FOR THE BOROUGH OF COLLINGSWOOD
OUTDOOR LANDSCAPE WATER CONSERVATION REQUIREMENTS**

WHEREAS, the Commissioners of the Borough of Collingswood are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare of the Borough and its residents; and

WHEREAS, the water supplies within the Borough should be protected to afford the greatest beneficial use to the Borough's citizens and businesses, which depend on adequate water supplies for their livelihood, health, welfare, and economic production; and

WHEREAS, the water resources associated with the Borough have been threatened in the past due to drought conditions; and

WHEREAS, there exists a need to ensure water is available for uses essential to the health, welfare and safety of the Borough and for averting or lessening the impact of any water shortage; and

WHEREAS, taking steps to ensure clean, wholesome, and adequate water supplies is a high priority in protecting the health, safety, and welfare of the Borough's residents; and

NOW, THEREFORE **BE IT ORDAINED:**

A. The Borough Code shall be amended by the addition of the following, entitled, "Outdoor

Landscape Water Conservation Ordinance”:

I. Water Use Restrictions

Restrictions on outdoor landscape water use apply to all users in the Borough at all times regardless of source of supply (e.g. public water supplies, well or ground water, lakes, streams, or ponds) unless expressly exempt in the Section entitled *V. Exemptions*. Such water use shall conform to the following Outdoor Landscape Water Use Restrictions:

1. Watering shall only be conducted between the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m.;
 2. The watering of any single area shall not exceed thirty minutes per day;
 3. Flowers and shrubs may be watered as needed with a hand-held hose equipped with an automatic shut-off nozzle;
 4. No hose or hose-end watering shall be permitted when it is raining.
- B. Irrigating lawns and landscapes with automatic irrigation systems equipped with a conventional irrigation controller shall be permitted as follows: (this includes all systems that do not have a “SMART” controller as defined in section I.C)
1. The permitted day for such irrigation shall be on the same day as the trash collection for that property and one weekend day. Irrigation shall only be conducted between the hours of 12:00 midnight and 10:00 a.m.
 2. Operation of any irrigation zone equipped with spray (mist) heads shall not exceed 15 minutes per zone. Operation of any irrigation zone equipped with rotary sprinkler heads shall not exceed 50 minutes per zone.
- C. Irrigation with systems equipped with a SMART controller
1. To qualify for this provision, the SMART controller must have meet the minimum requirements of IA-SWAT protocol testing. Lists of climate-based and sensor based controllers that have successfully completed the protocol testing can be found at http://www.irrigation.org/Tested_Products.aspx
 2. The property owner must register the SMART controller with the Borough’s water department.
 - a. The Borough will issue a yard placard which the property owner must display signifying that the property is irrigated with a SMART controller
 3. The SMART controller must be programmed by an EPA WaterSense Partner who maintains a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - a. The SMART controller must be programmed to irrigate between the hours of 12:00 midnight and 10:00 am;
 - b. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered;
 - c. The SMART controller programming data shall be posted at the controller;
 - d. The WaterSense Partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.
- D. Irrigation systems programmed and monitored by an irrigation manager
1. The property owner must designate a qualified person who will be the irrigation manager and register that person with the Borough with defining qualifications.
 - a. The Borough will issue a yard placard which the owner must display signifying that the property is irrigated by an irrigation manager.
 2. The irrigation manager must be an EPA WaterSense Partner or show evidence of successfully completing one of the approved courses listed below:
 - a. Rutgers University Continuing Education Course, *Irrigation Systems: Scheduling*
 - b. Irrigation Association’s online course, *Landscape Irrigation Scheduling*.
 - c. A comparable course offered by a recognized continuing education facility or professional association.
 3. A property specific irrigation program shall be developed by the irrigation manager based on plant variety, soil type, exposure, slope, precipitation rate, and irrigation efficiency.

4. Weekly adjustments shall be made to the irrigation schedule based on current evapotranspiration (ET) rates or weather conditions.
 5. If it is found that an irrigation manager does not follow any of the terms prescribed in this ordinance, they may be disqualified from acting as a properties irrigation manager.
- E. All automatic irrigation systems:
1. Shall be equipped with an operational automatic rain sensor device, which disables the system when a predetermined amount of rainfall has occurred. Each rain sensor device shall be capable of and programmed to interrupt the automatic irrigation cycle when ¼ inch of rain has fallen.
 2. Any work performed on a system as a result of any inspection made by the homeowner or a professional must be in compliance with the Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-3).
 3. Flowers and shrubs irrigated with drip or micro irrigation may be watered as needed.
- F. All new irrigation systems must comply with the following:
1. The system must be installed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 2. New Jersey Irrigation Best Management Design Practices are listed below:
 - a. designing a system that insures sufficient operating pressure at the sprinkler head;
 - b. dividing irrigated areas into hydro-zones of turf and plants with similar water requirements;
 - c. creating zoning systems according to exposure;
 - d. considering the soil type so the sprinkler irrigation precipitation rate is compatible with the soil infiltration rate or dividing the zone runtimes into multiple short cycles;
 - e. providing separate control of sloped areas;
 - f. preventing sprinkler heads from overthrowing onto driveways, roads, and sidewalks;
 - g. providing for separate irrigation for parkway strips between curbs and sidewalks that minimizes overthrow onto walks, pavement, and other impervious surfaces;
 - h. using pressure regulating technology as necessary to ensure sprinkler heads operate within the manufacturer's recommended range. The pressure regulation may be:
 - i. a pressure regulation device at the point of connection;
 - ii. pressure regulation at each remote control valve;
 - iii. pressure regulation at the sprinkler head;
 - iv. a combination of the above.
 - i. irrigating all flowers and shrubs with drip and/or micro-irrigation;
 - j. including check valves in low sprinkler heads to prevent low-point drainage;
 - k. having a pressure regulating device and wye strainer on each drip/micro control valve.
3. System must have a SMART controller capable of estimating or measuring depletion of available plant soil moisture and operating the irrigation system only to replenish the water as needed while minimizing excess water use.
- a. The SMART controller must be an EPA WaterSense labeled SMART controller and listed on their website http://www.epa.gov/watersense/product_search.html and select irrigation controllers from the drop down menu.
 - b. The SMART controller must be programmed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - i. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered;
 - ii. The SMART controller programming data shall be posted at the controller;

- iii. The WaterSense partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.

H. Upon the Declaration of Water Emergency by the Borough, additional restrictions may be imposed and shall supersede the restrictions in this ordinance.

I. State of New Jersey requirements shall supersede those identified in this Section when more stringent than those identified in this ordinance.

2. Violations

A. Violations include knowingly or recklessly watering or irrigating or permitting irrigation of lawn or landscape on owned, leased, or managed property that results in the following:

1. Watering during any form of precipitation;
2. Water leaking from any irrigation equipment;
3. Water puddling on landscape or impervious surfaces;
4. Water run-off from irrigated property;
5. Irrigating at hours not permitted in this ordinance.

B. Violators of these guidelines and requirements are subject to fines and penalties described in *IV. Penalties*.

C. All water users in the Borough are responsible for preventing the above violations.

3. Enforcement of Water Conservation Guidelines

The water use restrictions and automatic rain sensor requirement imposed pursuant to this section shall be enforced by the Borough's designated representative. Whenever the Borough representative finds a violation of the water use restrictions, regardless of the source of the water (public supply or private source), the representative shall issue a written warning and explain the penalties for a second and third offense, as provided in subsection 4 below. The representative shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have received prior warnings. The representative is empowered to issue a complaint for the violation of the water use restrictions set forth herein.

4. Penalties

After a warning for a first offense in accordance with subsection 3 above, any person or business that thereafter violates the water use restrictions imposed pursuant to this section shall be subject to the penalty provisions stated at _____.

5. Exemptions

Restrictions to this ordinance do not apply to the following:

- A. Outdoor water use from rainwater harvesting, gray water, or reclaimed water are exempt from the provisions of the ordinance. Use of gray or reclaimed water must have an approved NJPDES permit issued through the NJDEP.
- B. Outdoor irrigation necessary for one day only where treatment with an application of chemicals require immediate watering to preserve an existing landscape or to establish a new landscape.
- C. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting.
- D. Visually supervised operation of an irrigation system by a person in compliance with the New Jersey Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-1) and at the minimum rate necessary in order to check system condition and effectiveness.

Mayor Maley moved the ordinance be approved on first reading, published, and the second reading and public hearing to be held on November 4, 2019 which was seconded and approved by the following call of the roll:

Aye: M. James Maley, Jr.

Aye: Joan Leonard

Aye: Robert Lewandowski

The Commissioners called for the Second Reading and Public Hearing of Ordinance 1672

SUBJECT: ESTABLISHMENT OF A GREEN DEVELOPEENT CHECKLIST FOR MAJOR DEVELOPMENT

WHEREAS, the Board of Commissioners of the Borough of Collingswood recognizes sustainable building designs use resources efficiently while providing for healthier building habitats and buildings that are designed, constructed and operated in ways that reduce or eliminate negative impact on the environment and citizens; and

WHEREAS, buildings which integrate materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction and operation of the built environment are a benefit to the Collingswood community; and

WHEREAS, the Board of Commissioners believes that it is in the best interest of the Borough's residents that the Borough make every effort to incorporate sustainable building principles and practices into the design, construction and operation of the buildings; and

WHEREAS, the Board of Commissioners recommends that the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) system be used as a design and measurement tool to determine what constitutes sustainable building principles and practices, and urges applicants to follow sustainable building principles; and

WHEREAS, the Board of Commissioners wish to adopt as the Borough's policy to encourage developers to incorporate sustainable building practices throughout the development process and submission of a "Green Development Information Statement" should be required as part of the major site plan and major subdivision process; and

WHEREAS, The Green Development Checklist and information statement outlines the contents for the Information Statement and is based on the LEED system standards for building and neighborhood development and Sustainable Jersey's Model Green Development Checklist, but not intended to be exclusive; incorporation of additional sustainable development practices in development projects is strongly encouraged to help the Borough become a more sustainable community.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Collingswood that the following is hereby adopted as part of the Borough Code:

Green Development Checklist and Information Statement - Contents

1. CONTEXT

- a. **Site Selection:** Describe how the proposed development location avoids and/or reduces environmental impacts. Is the site located in an area with existing infrastructure, protecting greenfields, and preserving habitat and natural resources? Is the site a redevelopment, brownfield or infill location? How does this project integrate with existing neighborhood and streetscape?
- b. **Alternative Transportation:** To what extent is the site served by public transit, pedestrian and bicycle networks? Is there train or bus service within 1/4 mile? How does the project encourage use of alternative transportation, including provision of covered bicycle storage and shower/changing facilities? Are roads within the development area design as "Complete Streets" (see Master Plan for definition of "Complete Streets").
- c. **Parking Capacity and Design:** To what extent does the project reduce or eliminate new parking? Does the project utilize reduced parking ratios, compact stalls, banked parking, shared parking, van spaces, or priority parking for low emission vehicles?
- d. **Land Use and Housing Diversity:** To what extent does the development provide or increase a mix of land use types? Does the development provide or increase housing diversity by type and income?
- e. **Civic and Public Spaces:** Describe how the project provides or is in proximity to recreation facilities, parks, and green space areas.
- f. **Recreation, Parks and Green space:** Describe how the project provides or is in proximity to recreation facilities, parks, and green space areas.
- g. **Open Space/Natural Features:** Describe how the project maximizes open space and preserves natural features and landscapes. Is the development part of an integrated ecological network?
- h. **Regional Stormwater Management:** Describe the streams or bodies of water to which the site drains, including any Category One waters. To what extent does the project provide or increase regional stormwater management?

2. SITE DEVELOPMENT

- a. **Site Disturbance:** How does the project minimize site disturbance during construction, including demarcating disturbance areas, and properly locating project trailer, storage trailer(s), laydown area, vehicle access, etc.?
- b. **Construction Activity Pollution Prevention:** Describe the erosion and sedimentation control plan to protect topsoil and prevent waterway sedimentation and airborne dust generation. Describe how construction noise and/or vibration will be reduced or eliminated, including noise/vibrations from any rock or concrete crushing. Will any boulder fields be retained?

- c. **Water Efficient Design:** Describe the ways in which the project will reduce or eliminate use of potable water or other water resources by using water efficient landscaping, efficient irrigation systems, using captured rainwater or using recycled wastewater.
- d. **Resource-Efficient Design:** Describe the project's use of native species to reduce water use and to eliminate the need for fertilizers and pesticides, and to provide food/shelter for birds, animals and insects.
- e. **Soil Compaction:** To what extent does the project include soil remediation measures to ensure full vegetative growth and rainwater infiltration after construction?
- f. **Integrated Pest Management:** How will the project incorporate Integrated Pest Management techniques, such as alternatives to standard pesticides, herbicides and synthetic fertilizers that kill organisms in the soil?
- g. **Tree Retention and Planting:** Describe how the project maximizes retention of large trees and wooded areas, and provides or enhances the municipal tree canopy, including shade trees and the street tree canopy.
- h. **Low Impact Design:** Describe low impact site design features such a bio-swales, rain gardens, green roofs, green walls, pervious pavements, and onsite management of vegetative waste.
- i. **Regenerative Design:** Describe how the site design restores and conserves soils, habitat, wetlands or water bodies. How does the site design address long-term conservation management of these resources?
- j. **Non-plant Landscape Elements:** To what extent do non-plant landscape elements incorporate use of sustainable materials, including use of recycled content, local/regionally sourced materials, rapidly renewable materials and Forest Stewardship Council certified wood materials?
- k. **Heat Island Effect:** In what ways does the project minimize heat island effects through reduced and/or light-colored paving, landscaping, or other site design methods? (See also C.8, Energy Efficient Roof Design, below.)
- l. **Site Lighting:** How is light pollution from the site minimized? Describe what energy efficient site lighting and controls will be used.

3. GREEN BUILDING

- a. **Green Building Certification:** Does the building meet the criteria for a certified green building? Will the project apply for LEED certification or other green building certification?
- b. **Building Orientation:** Is the building oriented to maximize benefits of daylighting viewsheds and energy and to minimize detrimental impacts on surrounding sites?
- c. **Water Efficiency:** Does the building provide a 20% or greater reduction beyond minimum water efficiency standards set by EPA or local government, whichever is greater? Will the project use the EPA WaterSense Water Budget tool, or similar water budget analysis?
- d. **Water Conservation Features:** Describe the building's water conservation features, including low-flow fixtures, waterless urinals, and sensor-controlled faucets.

- e. **Innovative Wastewater Technologies:** To what extent does the building incorporate rainwater, gray water and storm water recapture and re-use? Is wastewater treated on site and recharged to the ground?
- f. **Energy Efficiency:** How does the building reduce energy usage through efficient heating and cooling, geothermal technology, enhanced daylighting, efficient lighting, occupant controls and an efficient building envelope? Will the project exceed the requirement of ASHRAE 90.1- 2007? Will the project be benchmarking building efficiency savings with Energy Star's Portfolio Manager or similar program?
- g. **Energy Star:** To what extent does the building incorporate energy Star - labeled building products?
- h. **Energy Efficient Roof Design:** how will the proposed roof coloring, materials and design minimize heat island effects? Will the project meet Energy Star Cool Roof requirements?
- i. **Renewable Energy:** Describe any on-site renewable energy self-supply to reduce environmental and economic impacts associated with fossil fuel energy use. What percentage of the project's electricity will come from renewable sources?
- j. **Energy Efficient Impacts:** By what percent will the project exceed required energy efficiency standards, such as ASHRAE 90.1-2007? What are the anticipated energy savings and carbon emission reductions for the project:
- k. **Refrigerant Management:** Describe how refrigerants and heating, ventilation, air conditioning and refrigeration equipment will minimize or eliminate the emission of compounds that contribute to ozone depletion and climate change.
- l. **Minimum Indoor Air Quality:** Describe how the project will exceed minimum indoor air quality requirements through ventilation system design, implementing a construction IAQ management plan, use of low-emitting materials and other measures. How the project considered using South Coast Air Quality Management (SCAQM), Green Seal's GS-11, the Carpet and Rug Institute's Green Label Plus Program, and FloorScore requirements as standards for Volatile Organic Compound (VOC) limits?
- m. **Waste Management/Recycling:** What percentage of construction waste will the project divert from landfills? Describe how the project will facilitate the storage and collection of recyclables and composting organic material.
- n. **Building Reuse:** Describe any reuse of portions of the existing building such as walls, floors, roof, or interior non-structural items.
- o. **Materials Reuse:** To what extent does the project use salvaged, refurbished or reused materials?
- p. **Recycled Content:** What percentage of building materials will incorporate recycled content?
- q. **Local/Regional Materials:** What percentage of building materials will be extracted, processed, and manufactured locally/regionally (within a 500 mile radius).
- r. **Rapidly Renewable Materials:** To what extent are rapidly renewable materials such as bamboo, wool, cotton insulation, agrifiber, linoleum, wheatboard, strawboard and cork utilized?
- s. **Use of Certified Wood:** What percentage of the project's wood-based materials and products will be certified in accordance with the Forest Stewardship Council (FSC) Principles and Criteria?
- t. **Use of Non Toxic Materials:** To what extent does the project avoid Red List materials? This list is composed of materials that should be phased out of production due to healthy concerns such as: asbestos, cadmium, chlorinated polyethylene and chlorosulfonated polyethylene (CSPE),

(HDPE and LDPE are excluded from the Red List), chlorofluorocarbons (CFCs), chloroprene (neoprene), formaldehyde, halogenated flame retardants including PBDE, TBBPA, HBCD, Deca-BDE, TCP, TCEP, Dechlorane Plus and other retardants with bromine or chlorine, hydrochlorofluorocarbons (HCFCs), lead, mercury, petrochemical fertilizers and pesticides,

phthalates, polyvinyl chloride (PVC), and wood treatments containing creosote, arsenic or pentachlorophenol

4. INNOVATION & DESIGN PROCESS

- a. **Accredited Professionals:** List all members of the project team who are LEED accredited Professionals or have other comparable certification.
- b. **Innovation in Design:** Describe any additional sustainable project design or construction features.

Mayor Maley opened the Ordinance to the Public

With no comments Mayor Maley moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

Public Comment on Resolution Agenda Items:

Fiona Dawson 841 Maple Ave. commented Ordinance 1670 has not been updated on the website. Mayor Maley said we will make sure that is updated.

Kevin Walker, 401 Franklin Avenue asked for clarification on the water conservation ordinance. Mayor Maley explained the changes will be on the regulation of the number of days and what days they will be. Mr. Walker asked for information on the smart controllers. Mayor Maley said we should have that information available before the November 4 meeting.

Mr. Walker commended the Commissioners for the work they are doing on the Green Initiatives.

Beth Burns 129 E. Homestead asked what a smart controller is. Mayor Maley explained they are devices that are connected to the irrigation system that have sensors, timers and other features that can regulate when the irrigation system should be used. Mayor Maley explained we will be getting more clarification on these devices. Before the next meeting

Eric Rineheimer 253 Woodlawn Terrace asked if this ordinance will regulate hand watering? Mayor Maley replied no.

Lee Bond 104 E Coulter Avenue said he does not believe two days a week is enough water for a lawn.

A discussion ensued on the regulation of irrigation systems and what areas the ordinance addresses.

Mary Ellen Reis expressed her opposition to the Short-Term Rental Ordinance

Mayor Maley said he wanted to address some comments that were made on social media that stated the Commissioners are targeting tenants and rental properties. Mayor Maley explained the short-term rental ordinance has nothing to do with eliminating rental properties or targeting tenants. Mayor Maley stressed that we have never focused our efforts on eliminating rental properties. Mayor Maley explained redevelopment efforts with the Parkview Apartment have been directed at improving conditions for the people living there; efforts have included working with PSE&G to address major power issues, working with management to fix water pressure problems and seeing that elevator problems are addressed. Mayor Maley continued by explaining that the rental registration program is concentrated on improving the physical conditions of rental properties and improving the conditions for the people who live there and their neighbors in the community.

Mayor Maley talked about the development of the short-term rental ordinance. Mayor Maley said it began as a result from neighbor complaints, a review from the zoning board and a determination that there is not anything on the books permitting short term rentals. Mayor Maley continued by adding there was a residential fire in a rental property where the fire department had to rescue the tenants and this event brought the realization that if that property was a short-term rental, those inside may not know how to get out. Mayor Maley said this ordinance has safe guards, protections against corporation purchasing properties for the sole use of short-term rentals. Mayor Maley said he thinks this ordinance strikes a balance and if problems pop up we will address them. Mayor Maley stated it has never been about targeting tenant and rental properties but it has been about addressing the issue of homes that are being used as multi-unit rentals that were not built for that use.

Commissioner Lewandowski, talked about his view on the short-term rental ordinance. He stated it is expensive to live here and he is fortunate that he does. Commissioner Lewandowski explained his motive on the short-term rental ordinance is that it does not affect the opportunity for families to be able to afford rent in Collingswood and to avoid short term rentals taking the place of renting housing for families.

Commissioner Leonard talked about homes being rehabbed, the neighborhood being improved because of it , then those homes being offered as rental properties and the importance in that. Commissioner Leonard expressed her hesitation on short term rentals; she mentioned losing housing to short term rentals, she said she believes the owner should be present when a short-term renter stays, and she expressed her parking concerns; one being strife between neighbors. Commissioner Leonard said she thinks neighbors should know when a property is going to be used short term rental. Commissioner Leonard said a bed and breakfast is an option for those interested in short term rentals. Commissioner Leonard talked about the burden of enforcement on the fire and police departments. Commissioner Leonard said she has read a great amount on short term rentals and will continued to do her research.

Commissioner Lewandowski said he appreciates Commissioner Leonard's point of view. Commissioner Lewandowski said he feels the ordinance asks a lot of the hosts and addresses potential problems. Commissioner Lewandowski talked about the requirement of a hardwired smoke alarm system and when violations occur the ordinance allows the license to be revoked. Commissioner Lewandowski said he feels the ordinance prepares us for the future and addresses the needs of the community. Commissioner Lewandowski said the ordinance does not permit social or commercial functions. Commissioner Lewandowski said this ordinance is not set in stone, this process was thoughtful and it is a learning process.

Mayor Maley opened the meeting for public comment on the resolution items. With no comments Mayor Maley moved the public hearing comments and the following Resolutions were approved without a dissenting vote

169. Appointing Adam Layden as Part-Time EMT/ Firefighter for the Borough of Collingswood

170. Approving the Grace Period for Taxes, Water and Sewer Payments

171. Approval to Submit a Grant Application and Execute a Contract with NJ DOT Grant Avenue Improvements Project -Phase II

172. Authorizing Participation in the Camden County Cooperative Pricing System- Deer Carcass Removal

173. Approving a Lien Certification Pursuant to Chapter 227 of the Borough Code

130 E Linden Ave.
328 Harvard Ave.

174. Authorizing the Submission of a Strategic Plan for the Municipal Alliance Grant Cycle 2020-2025

175. Authorizing Grant Agreement - FY 2019 Community Development Block Grant

176. Requesting Approval of Items of Revenue and Appropriation-2019 Bulletproof Vest Partnership Program

177. Authorizing the Acquisition of the Property Located at 690 Haddon Avenue Identified as Block 96.01, Lot 17.02
Mayor Maley explained the acquisition process and the steps that have been made by the Borough that allow the process to begin.

178. Authorizing Negotiations for Operations of the Borough Compost Facility

Discussion of Best Practices- Mayor Maley explained our rating was 45.5 out of 46. Mayor Maley thanked CFO Bette Jo Pigiacci for her work on the checklist. Richard Klingerman asked is the report will be on the Borough website.

180. Approving Payment of Bills as Presented by the Treasurer

Commissioner Lewandowski announced the start of leaf collection season and he reminded residents the procedure for putting leaves on the curb strip and not in the street. Commissioner Lewandowski also talked about clearing out sewer inlets. Commissioner Lewandowski invited residents to come out to Second Saturday, the Fall Festival and the Haunted Hayride.

Commissioner Leonard stated Halloween will be celebrated on the 31st. Commissioner Leonard commended the Collingswood Community Garden for an award received for the fourth year from the Pennsylvania Horticulture Society and for the Community Gardeners donations of fresh produce to the Saint Paul's Food Pantry. Commissioner Leonard talked about this season's tree planting event and invited residents to come out and help plant 30 trees in the Zane North neighborhood.

Mayor Maley thanked all the volunteers who worked the many events that happened over the weekend, at the Gatsby Gala, the Book Festival and Clover Market. Mayor Maley talked about the history of the Haunted Hayride and is very pleased to see it is making a comeback.

Mayor Maley opened the meeting to the public

Fiona Dawson 841 Maple Ave., thanked the Commissioners for making the Short-Term rental ordinance include a stipulation that the property must be owner occupied. Mayor Maley made a clarification that the property owner must reside at the property but the owner is not required to stay at the residence when the short-term renters are staying there. Ms. Dawson reacted to Ms. Reis' comment. Mayor Maley asked that questions and comments be directed to the Board of Commissioners.

Wesley Fenza, 315 Taylor Ave. asked the Commissioners to be open to any adjustments of the short-term rental ordinance in the future.

Vince Lacovara, 26 W. Summerfield Ave. thanked the Commissioners for helping him work through issues with the contractor on the Summerfield Avenue Drainage Project. Mayor Maley said your welcome and stated if anyone is having any concerns during this part of the project or during the construction of the Public Safety building to please reach out to him. Mr. Lacovara had some questions about when the overlay will be complete on the drainage project. Mayor Maley explained he has not been involved with the contractor because of his law office, he referred the question to Administrator Hasting who responded the work should be done by next week.

Lou Agnello, 17 Eldridge Ave. expressed concerns about Air B&B and uncomfortable conversations with neighbors.

Emilia Carolfi, 427 Haddon Ave. expressed an issue she is having with the contractor on the drainage project such as lights and noise at 5:20 in the morning. Ms. Carolfi expressed her opposition to Short Term Rentals and asked where are the benefits to the community. Ms. Carolfi talked about her negative experience with current and former neighbors who rented out their properties.

Beth Burns 133 E Homestead Ave. asked how many Airbnb units are there and how many are projected? Mayor Maley said a one time there may have been as many as 30 and he doesn't not predict that there will be more than that. Commissioner Leonard stated the ordinance does not regulate the number and there can be many more. Commissioner Lewandowski said many of the accounts online are inactive he talked about a study done on people who want short term rentals available and how many will actually do it

George Kuetemeyer, 215Lakeview Dr. asked how many renters can be at a particular property. Mayor Maley explained the same rules and formulas of the property maintenance code.

Steven Piaquadio, 428 Browning Road talked about asked about short term rental accountability of the host. Mr. Piaquadio explained he owns a rental property in town and is required to list all persons residing at the rental unit. Mayor Maley explained the host is required to keep a log of guests; adding that if there is an emergency at the residence, we have a chance of knowing how many people are staying there. Mr. Piaquadio asked if there is any requirement for background checks? Mayor Maley explained there is not a background check requirement with any rental properties. Mr. Piaquadio expressed community concerns about not knowing who is staying in the short-term rental units. Mayor Maley said he would hope the person opening their home to short term renters would do things a person who rents yearly would do before allowing that person to stay in their home.

Dina DiRenzo Haddon Twp. resident stated she is a short-term rental host and expressed her concerns and shared her experience with Short Term renting. Ms. DiRenzo said the 30-day limit does not give the host enough experience to be a successful host, that there is no limit to the number of permits pointing out we only allow one brewery and there should be a requirement for short term rental homeowners insurance. Ms. Di Renzo stated her concerns and the items she supports in the ordinance. Commissioner Leonard talked about her support of a bed and breakfast and listed her concerns an opposition of short-term rentals which included the need for off street parking, the property should not be attached, no regulation on the number of permits allowed and the regulation and inspections of short-term rentals. Mayor Maley responded to Ms. DiRenzo's comments. Mayor Maley said there is only one brewery because there is only one brewery, we do not have a regulation on how many there can be. Mayor Maley explained that limiting the number of things is legally troublesome. Mayor Maley added that there is a requirement for proper insurance.

Russell Jackson, 113 Fern Ave asked if Air B&B has a rating system Commissioner Leonard said yes but the borough has no control over that. Mr. Jackson expressed his concerns and his opposition to short term rentals in Collingswood.

Bill Johnson 131 Frazier Ave. said he could not find the Community Facilities section of the Master Plan online. Mayor Maley said it should be there but to talk to Mr. Hastings and he will be able to assist you. Mayor Maley explained the Master Plan is undergoing a review. Mr. Johnson said the plan he was looking at is from 1999. Mayor Maley explained Municipal Master Plans are required to be reevaluated every 10 years, sometimes there is a complete \$100,000.00 brand new plan but most of the time there is a review by the planning board and updates to certain sections. Mr. Johnson asked about what are the different elements. Mayor Maley said there are statutory requirements as to what must be included in the Master Plan and that can be found in the New Jersey Land Use Law. Mayor Maley said there is an affordability housing element that was added in recent years. Mr Johnson asked if the entire Master Plan is online. Mayor Maley said it should be.

Michele Quigley 733 Park Ave., asked if Mayor Maley and Commissioner Lewandowski lived in single family homes and if their neighbors have off street parking. Both responded they do. Ms. Quigley explained she lives in a large twin and stated that she reads the ordinance that a person with a three-bedroom home could rent each room for 30 days making it available for 90 days of rentals. Ms Quigley asked why we are changing the code for a small number of people who want to rent there homes short term? Ms Quigley expressed concerns about what Airbnb has done to other communities and how the town will regulate and afford to regulate the amount of short-term rentals as they grow in numbers. Ms. Quigley said she does not want to police her neighbors and their guests. Mw Quigley expressed her concerns about the effect of Airbnb on her quality of life and living next to a home with a revolving door.

Ms. Delany 126 E Palmer asked when the Borough will be going out for bids for the 2020 Professional Service contracts. Mayor Maley explained we have not done a formal bid process since the adoption of our pay to play ordinance which limits the amount a contractor can make in political campaign contributions. Ms. Delany asked why the JIF is listed within several line items within the Budget. Mayor Maley explained you will see that same thing with in the borough salaries. There is a split between departments. Mayor Maley explained whatever the premium would be is then split between the departments.

Eric Rinehammer 253 Woodlawn Ter. asked if the borough was done with the line striping work. Mr. Rinehammer said he requested work two months ago. Commissioner replied no, the work is still being done. Chief Cary said work will be done by the end of the month.

Mary Jackson 113 Fern Ave asked if the curb could be painted yellow on Fern Ave. Mayor Maley asked the Chief to speak with Ms. Jackson for details.

Lou Agnello, 17 Eldridge Ave asked about how the regulation and enforcement of short-term rentals will work. Mayor Maley explained that the issues that people are talking about are many of the same issues that are addressed with long term rental properties. Enforcement will fall under the rental registration process with the Collingswood Fire Prevention and Inspections Bureau. Mayor Maley said we have some good forms that we got from Asbury Park and we will have online registration. Our effort in all of this is making properties safe and appropriate in the neighborhood. Mayor Maley said he does not expect to see short term rentals to grow in great numbers but if that happens, we will address it.

Emilia Carlofi, 427 Haddon Ave asked how will you know if you neighbor is registering as a short-term rental. Mayor Maley explained there is nothing in the regulations that states neighbors need to be informed about long term or short-term rentals. Mayor Maley talked the requirements of the short-term rental ordinance, the regulations and enforcement of the requirements.

Michelle Quigley Quigley 733 Park Ave. expressed her concerns about the number of bedroom units being made available to numerous renters. Mayor Maley said the ordinance does not approve individual bedrooms as single units. Ms. Quigley continued to express concerns with different people staying in a property with a revolving door, the possible communication problems. Ms Quigley expresses her concerns and her opposition to short term rental.

Steven Piaquadio, 428 Browning Road said he thinks there is accountability with long term renting but does not think there is any accountability with short term rentals.

Dina DiRenzo, said she likes the green safe space at the crosswalk. Ms. DiRenzo asked if there could be a "no parking signs on this side of the street" on E Collings' Avenue leaf collection days. Ms. DiRenzo asked for clarification on the number of permitted rental days.

Maureen O'Donnell 215 Lakeview Drive, expressed her opposition to Short Term Rental. Ms. O'Donnell said she feels the borough has failed her in the past on issues she has had with neighbors and expressed her concerns that there will be more problems with Short term Renters that the Borough will nor be able to address. Mayor Maley replied that a law was changed to address her problem with a neighbor. Ms. O' Donnell replied that is true and thanked the Mayor. Mayor Maley continued to explain changing the law does not happen quickly. Mayor Maley explained if we have problems with short term rentals, we will make changes to address the issues.

Russell Jackson, 113 Fern Ave asked what is the upside of short-term rentals in Collingswood? Mayor Maley replied so the property owner can make money. Mayor Maley said he does not think there will be many people involved in registering their homes as short term rentals so he does not believe that there will be a lot of issues. Mr. Jackson said he believes it is supposition. Commissioner Lewandowski agreed that it is all supposition and we will see how it goes.

Beth Burns, 133 E Homestead Ave. asked for clarification on the rental registration process. Mayor Maley explained all registration and inspections go through the Pennsauken Collingswood Fire Prevention & Inspection Bureau. A discussion ensued about the ordinance naming the clerk or designee charged with the registration of units. Ms. Burns asked if the registration and inspection process will be the same as it is now because the ordinance is different from the current procedure. Mayor Maley said it will be the same and we will take a look to make sure it is the same process.

With no further comments, Mayor Maley moved the meeting be adjourned at 9:05 PM, which was seconded.