

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1632 (2019)

**AN ORDINANCE TO AMEND THE REVISED
GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY,
CHAPTER 7 ENTITLED "TRAFFIC" TO REGULATE THE OPERATIONS OF
MOTOR VEHICLES ON STREETS AND ROADWAYS DURING FLOODING
CONDITIONS**

WHEREAS, the operation of motor vehicles upon public streets and roadways during certain extreme flooding conditions can create a wake that carries beyond the street or curb line causing damage to adjacent properties; and

WHEREAS, the general operation of motor vehicles upon public streets and roadways further poses a danger to those operating the motor vehicles, as well as to pedestrians; and

WHEREAS, the aforesaid condition and danger pose a real and present threat to the public health, welfare, and safety; and

WHEREAS, Council deems it prudent to protect the public health, welfare, and safety during periods of flooding by regulating the manner and speed of operation of motor vehicles driven upon the public streets and roadways during such flooding conditions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter 7 Section 19.3 of the Revised General Ordinances of the City of Sea Isle City, entitled "Excessive Speed in Operation of Vehicles on Flooded Streets and Roadways" is hereby amended to add the following section in its entirety as follows:

ADDED SECTION:

7-19.3 Excessive Speed in Operation of Vehicles on Flooded Streets and Roadways.

- a. No motor vehicle shall be operated on any public street or roadway or any portion of the public street or roadway, including any designated shoulder, where flooding exists at a rate of speed or in a manner as to cast or discharge a wave which carries beyond the edge of the street or curb line. For the purpose of this chapter flooding shall mean the existence of water on the surface of any portion of the public street or roadway including any designated shoulder which exceeds six (6") inches in depth.
- b. This Section shall not apply to the Sea Isle City Police Department or Emergency Vehicles and shall not include individuals who are operating a motor vehicle for the purposes of an emergency or a medical emergency.

SECTION II. Chapter 7 Section 19.4 of the Revised General Ordinances of the City of Sea Isle City, entitled "Violations and Penalties for Excessive Speed on Flooded Streets and Roadways" is hereby amended to add the following section in its entirety as follows:

ADDED SECTION:

7-19.4 Violations and Penalties for Excessive Speed on Flooded Streets and Roadways.

Any person violating the provisions of this section shall, upon conviction thereof, be punishable by a fine of not more than \$1,250 or by imprisonment for a term not exceeding 90 days, or both. For the purposes of a prosecution under this section, it shall not be a defense that the wave or wake that was created by operation of a motor vehicle on a flooded roadway did not cause actual damage to public or private property.

SECTION III. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION IV. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION V. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

John C. Gibson, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 13th day of March, 2019 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 9th day of April, 2019, in City Hall, 3rd Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Shannon D. Romano, Municipal Clerk