

ORDINANCE
NUMBER

TITLE OF ORDINANCE

SHORT DESCRIPTION

DATE
APPROVED

| | | | |
|------|--|---|---------|
| #703 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "BUILDING CONSTRUCTION ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED DECEMBER 7, 1967 | Ordinance whereby no building permit or Certificate of Occupancy issued if outstanding escrow balance on that property. | 5/21/98 |
| #704 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SLARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED ON MARCH 16, 1939 | Ordinance amending salaries of the Public Works and Recycling Department | 5/21/98 |
| #705 | "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14B (LICENSES AND PERMITS) OF THE CODE OF THE BOROUGH OF OECEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THE LICENSING OF THE CONDUCT OPERATION AND PLAYING OF CERTAIN AMUSEMENT GAMES WITHIN THE BORUGH OF OCEANPORT... AT AGRICULTURAL FAIRS AND EXHIBITIONS. | Amends licensing games of chance to include agricultural fairs and exibitions. | 6/4/98 |
| #706 | BOND ORDINANCE APPROPRIATING \$151,250. AND AUTHORIZING THE ISSUANCE OF \$143,650. BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT IN THE COUNTY OF MONMOUTH, NEW JERSEY | Amending Bond ordinance to include the acquisition of Horseneck property. | 8/20/98 |
| #707 | AN ORDIANCE TO AMEND AN ORDINANCE ENTITLED THE "CAPITAL IMPROVEMENTS ADVISORY COMMITTEE ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED APRIL 16, 1998 | Amendeding resident members from 4 to 5. | 9/17/98 |
| #708 | AN ORDINANCE REGULATING CONNECTIONS TO THE SANITARY SEWER SYSTEM LOCATED IN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AND FIXING PENALTIES FOR THE VIOLATION THEROF | Banning the connections of sump pumps and other drainage to the sanitary sewer system | 11/19/9 |
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| #709 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT TOWING ORDINANCE" PASSED AND APPROVED MARCH 7, 1996. | An addition of a Fifteen \$15 dollar storage charge for vehicles stored on municipal property. | 2/4/99 |
| #710 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED MARCH 16, 1939 | Fixing the salaries for certain Borough officials for 1999 | 3/29/99 |
| #711 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT PERSONNEL POLICY" PASSED AND APPROVED ON MARCH 20, 1986 | Changing the Court Administrator from a quarterly to a bi-weekly payroll. | 5/6/99 |
| #712 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "DOGS AND OTHER ANIMALS ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED JULY 2, 1958 | Amending the penalty for violation of the ordinance regarding cats to \$100.00 for each offense | 5/6/99 |
| #713 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "UNIFORM CONSTRUCTION CODES ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED MARCH 2, 1995. | Adding a seventy five dollar (\$75) charge for the review of a grading plan. | 5/6/99 |
| #714 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "FEES ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED DECEMBER 7, 1978. | Increasing the escrow on a minor subdivision or site plan to Eight hundred dollars (\$800) | 5/20/99 |
| #715 | AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED THE WOLFHILL FOUNDATION COMMITTEE ORDINANCE OF THE BOROUGH OF OCEANPORT, NEW JERSEY" PASSED AND APPROVED ON NOVEMBER 6, 1997. | Repeal of the Wolfhill Foundation committee since the Borough no longer leases the house. | 5/20/99 |
| #716 | BOND ORDINANCE APPROPRIATING \$259,195. AND AUTHORIZING THE ISSUANCE OF \$246,180. BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT IN THE COUNTY OF MONMOUTH , NEW JERSEY. | Bond Ordinance, New Ambulance Police Radios, Police Computer System, Generator, First Aid Boat and Reconstruction of streets | 6/3/99 |
| #717 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "FLOOD DAMAGE PREVENTION ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON FEBRUARY 4, 1988. | Residential construction, raising the first floor elevation to eleven and one half (11 1/2) feet above the mean sea level | 6/3/99 |
| #718 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "SWIMMING POOL ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED FEBRUARY 7, 1985. | Eliminates the need for a fence for waterfront property that is bulkheaded, where said bulkhead is at least 4 ft. along the waterfront side. | 6/3/99 |
| #719 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT PERSONNEL POLICY ORDINANCE" PASSED AND APPROVED ON MARCH 20, 1986. | Adding The Deputy Court Admin. to bi-weekly payroll and adding retired personnel with 10 years plus service but less than twenty five medical benefits for 1 year after retirement | 9/2/99 |

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| #739 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT UNIFORM CONSTURCITON CODE ORDINANCE" PASSED AND APPROVED MARCH 3, 1995. | Requiring an \$100.00 escrow when a grading review is required by the Borough Engineer. | 12/7/01 |
| #740 #740 | AN ORDINANCE ESTABLISHING THE OPEN SPACE DEDICATED TRUST FUND AND ASSIGNING VARIOUS POWERS AND DUTIES TO THE PLANNING BOARD OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY IN CONNECTION WITH THE ADMINISTRATION THEREOF. | Establishing the Trust Fund account of the dedicated tax and giving Planning Board certain powers | 3/1/01 |
| #741 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED MARCH 16, 1939. | 2001 Salary Ordinance | 4/5/01 |
| #742 | BOND ORDINANCE APPROPRIATING \$575,000.00 AND AUTHORIZING THE ISSUANCE OF \$403,745.00 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH STATE OF NEW JERSEY | Fire Truck, Reconstruction of Monmouth Blvd., Reconstruction of Sommers Park bulkhead, Police Dept. Computers, First Aid Equip., Public Works Equip., Soccer Field sprinkler, roofs for public bldgs. and resconstruction of various roads. | 4/5/01 |
| #743 | AN ORDINANCE AUTHOIZING \$ 9,000. FOR THE BALANCE OF PUBLIC WORKS EQUIPMENT FROM THE CAPITAL IMPROVEMENT FUND. | Balance needed for public works equipment. | 5/4/01 |
| #744 #744 | AN ORDINANCE AUTHORIZING \$20,000.00 FOR PARK IMPROVEMENTS AT EVERGREEN PARK FROM THE CAPITAL IMPROVEMENTS FUND | Improvement to tot lot. | 6/7/01 |
| #745 | AN ORDINANCE AUTHORIZING \$20,000. FOR THE BALANCE OF THE ROAD IMPROVEMENT PROGRAM FROM THE CAPITAL IMPROVEMENT FUND. | For the balance of the road program. | 6/21/01 |
| #746 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED MARCH 16, 1939 | Amending police salaries in accordance with their contract. | 9/20/01 |
| #747 | AN ORDINANCE REPEALING THE ORDINANCE ENTITLED "THE POLICE DEPARTMENT ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON DECEMBER 1, 1938; SUBSTITUTING THEREFOR AN ORDINANCE PROVIDING FOR THE ORGANIZATION, MAINTENANCE, REGULATION AND CONTROL OF THE POLICE DEPARTMENT, AND PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS. | Adopting new police ordinance whereby changes to the rules and regulations can be done by resolution | 12/6/01 |
| #748 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED ON JULY 3, 1969. | Amending the zoning ordinance setting zoning requirements for cemeteries | 12/20/01 |
| #749 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT PERSONNEL POLICY" PASSED AND APPROVED MARCH 20, 1986. | Adding certain health benefits for all non police employees and changing certain pay schedules | 2/7/02 |
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|---------------------|--|---|------------------|
| 750 | AN ORDINANCE PURSUANT TO LOCAL CAP LAW CONCERNING THE 2002 MUNICIPAL BUDGET OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY | Increase in cap of 2.5% | 2-21-02 |
| 751 | BOND ORDINANCE APPROPRIATING \$527,900. and AUTHORIZING THE ISSUANCE OF \$359,005. BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, NEW JERSEY | Bond Ordinance for Sommers Park Seawall, Fire Truck, Municipal Roofs, Police Computers, First Aid-OSHA Equipment, Air Pack & Gear for Fire, Pick-Up Truck Parks Equipment | 3-21-02 |
| 752 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED MARCH 16, 1939 | 2002 Salary Ordinance | 3-21-02 |
| 753 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE LICENSES AND PERMITS ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON FEBRUARY 2, 1989 | Section 41B-2 is repealed | 4-4-02 |
| 754 | BOND ORDINANCE APPROPRIATING \$40,000. AND AUTHORIZING THE ISSUANCE OF \$38,000. BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY | Bond Ordinance for improvements to Gooseneck Point Road and Cayuga Ave., | 6-6-02 |
| A. 754A | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED ON JULY 3, 1969. | Amendment requiring an environmental impact statement for certain subdivisions and site plans | 8-15-02 |
| 755 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE UNIFORM CONSTRUCTION CODES ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON MARCH 2, 1995 | Allowing a surcharge fee for training and certification and technical support. | 8-15-02 |
| 756 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT FIRE PREVENTION ORDINANCE" PASSED AND APPROVED ON JULY 18, 1985 | An ordinance stating the appointment and term of the Fire Official and standards for lock boxes | 9-19-02 |
| 757 | BOND ORDINANCE APPROPRIATING \$1,100,000. AND AUTHORIZING THE ISSUANCE OF \$1,045,000. BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY | Bond Ordinance for the purchase of a portion of Block 88, Lot 26 | 10-3-02 |
| 758 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "THE STREET AND SIDEWALK EXCAVATIONS ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON JUNE 2, 1925 | Amending ordinance particularly for road restoration after a street opening for utility repair | 11-7-02 |

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| #759 | AN ORDINANCE PURSUANT TO THE LOCAL CAP LAW CONCERNING THE 2003 MUNICIPAL BUDGET OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY | Increase in the cap | 2-20-03 |
| #760 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED MARCH 16, 1939 | 2003 Salaries | 3-20-03 |
| #761 | BOND ORDINANCE APPROPRIATING \$661,560. AN AUTHORIZING THE ISSUANCE OF \$628,482. BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT IN THE COUNTY OF MONMOUTH, NEW JERSEY | For 2003 Capital improvements Mohican and Pocahontas, Dump truck, first aid equip., fire equip, Blackberry Bay Park Renovations, Police commun. and equip. and Engineering services | 4/14/03 |
| #762 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED ON JULY 3, 1969 | Amending that portion which addresses signage for the sale of houses and Open House Signs | 6/5/03 |
| #763 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT FEES ORDINANCE" PASSED AND APPROVED ON DECEMBER 16, 1999. | Increasing the fees on a return check to \$20.00 | 7/17/03 |
| #764 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT HOUSING CODE ORDINANCE" PASSED AND APPROVED ON FEBRUARY 7, 1985. | Increases the fee for a C.O. to \$35.00. | 7/17/03 |
| #765 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED ON JULY 3, 1969. | Clearly defines the requirements of the Village Center Zone. | 7/17/03 |
| #766 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT UNIFORM CONSTRUCTION CODES ORDINANCE" PASSED AND APPROVED ON MARCH 2, 1995. | Increase in fees to follow the State increases. | 8/21/03 |
| #767 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE "RECREATION COMMITTEE ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON JANUARY 20, 1977. | Amends the composition, appointment and terms of the members. | 8/21/03 |
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| #720 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "FIRE DEPARTMENT ORDINANCE OF THE BOROUGH OF OCEANPORT PASSED AND APPROVED DECEMBER 2, 1999 | An ordinance when a member of a fire company or first aid squad is injured due to performance of duties Borouhg can request a note from a doctor before returning to active duty | 9/2/9 |
| #721 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE "FIRE PREVENTION ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED JULY 18, 1985. | Setting fines for parking in fire lanes to \$50.00 for 1st offense and \$100.00 for each repeated offense. | 9/2/ |
| #722 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE TRAFFICE ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED APRIL 1, 1993. | Changing the dates of Overnight Parking Ban from Nov 1 - April 15 to Nov. 15 - March 31. | 10/21/ |
| #723 | AN ORDINANCE ESTABLISHING THE FLOOD HAZARD MITIGATION AND FLOOD PLAIN MANAGEMENT PLAN COMMITTEE: PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND DISGNATING ITS PURPOSE AND DUTIES. | Ordinance creating the Flood Hazard Management Committee | 11/4/99 |
| #724 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE "FLOOD DAMAGE PREVENTION ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED FEBRUARY 4, 1988. | Clarifying the method used for value of a improvment and what and who must certify a cost estimate. | 12/2/99 |
| #725 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "LAND USE PROCEDURES ORDINANCE OF THE BOROUGH OF OCEANPORT" CHAPTER 41A PASSED AND APPROVED ON DECEMBER 16, 1976, AND THE "BOROUGH OF OCEANPORT ZONING ORDINANCE" CHAPTER 68, PASSED AND APPROVED ON JULY 3, 1969 TO DELETE ALL REFERENCES TO THE ZONING BOARD OF ADJUSTMENT AND TO ASSIGN ALL POWERS OF THE ZOING BOARD TO THE PLANNING BOARD. | First of three ordinances necessary to merge the Zoning and Planning Boards with the Planning Board being the surviving Board.. | 12/16/99 |
| #726 | AN ORDINANCE TO REPEAL ARTICLES II AND IV OF THE LAND USE PROCEDURES ORDINANCE CHAPTER 41A OF THE BOROUHG OF OCEANPORT PASSED AND APPROVED ON DECEMBER 16,1976 AND ARTICLE X OF THE BOROUGH OF OCEANPORT ZONING ORDINANCE, CHAPTER 68 PASSED AND APPROVED ON JULY 3, 1969. | Second of three ordinances necessary to merge the Zoning and Planning Board with the Planning Board being the surviving Board. | 12/16/99 |
| #727 | AN ORDINANCE T AMEND AN ORDINANCE ENTITLED THE "FEES ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON APRIL 16, 1981. | Third of three ordinances necessary to merge the Zoning and Planning Board with the Planning Board being the surviving Board. | 12/16/99 |
| #728 | AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED JULY 3, 1969. | An amèndment to clarify the allowable height of a dwelling within the Borough . | 12/16/99 |

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|---------------------|--|---|-----------------|
| # 729 | BOND ORDINANCE APPROPRIATING \$682,977. AND AUTHORIZING THE ISSUANCE OF \$549,097. BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS FOR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT IN THE COUNTY OF MONMOUTH, NEW JERSEY | Bond Ordinance for Public Works equipment, Somers Park, Computers Road Improvements, Generator, Fire Truck, Improvement to Public Buildings, etc. | 3/9/00 |
| #730 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED MARCH 16, 1939. | 2000 Salary Ordinance | 4/6/00 |
| #731 | AN ORDINANCE REGULATING ACTIVITIES IN THE PUBLIC PARKS AND PLAYGROUNDS LOCATED IN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AND FIXING PENALTIES FOR THE VIOLATIONS THEREOF. | Listing prohibited activities in the parks and playgrounds, and setting penalties for violations | 4/17/00 |
| #732 | AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 41B (LICENSES AND PERMITS) OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THE LICENSING OF THE CONDUCT, OPERATION AND PLAYING OF CERTAIN AMUSEMENT GAMES WITHIN THE BOROUGH OF OCEANPORT AT AGRICULTURAL FAIRS AND EXHIBITIONS. | Allowing licenses to be issued for certain games of chance. | 4/17/00 |
| #733 | AN ORDINANCE TO AMEND AND SUPPLEMENT AND ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT VEHICLE AND TRAFFIC ORDINANCE" PASSED AND APPROVED APRIL 1, 1993. | No parking on Crescent Place both ways from Eatontown Blvd. to Oceanport Ave. | 4/17/00 |
| #734 | ORDINANCE PROHIBITING POLITICAL FUNDRAISING ON OR BY USE OF PUBLIC PROPERTY. | Prohibits the use of Borough property to be used in connection with political fundraising | 6/1/00 |
| #735 | AN ORDINANCE AUTHORIZING REPAIRS TO THE BLACKBERRY BAY PARK PARKING LOT UTILIZING \$4,450.18 FROM THE CAPITAL IMPROVEMENT FUND FOR PARK IMPROVEMENTS: \$36,225. FOR THE BALANCE OF ROAD IMPROVE- MENTS FOR THE 2000 ROAD PROGRAM FROM THE CAPITAL IMPROVEMENT FUND FOR ROAD IMPROVEMENTS AND \$21,008. FOR THE BALANCE OF THE NEW GENERATOR FOR THE PORT-AU-PECK CHEMICAL HOSE FIRE COMPANY | Use of Capital Improvement Funds for the parking lot at Blackberry Bay Park, 2000 Road Program and Generator. | 7/7/00 |
| #736 | AN ORDINANCE TO AMEND AND SUPPLEMENT AND ORDINANCE ENTITLED "THE BOROUGH OF OCEAN- PORT ALCOHOLIC BEVERAGES ORDINANCE" PASSED AND APPROVED JANUARY 17, 1957. | Supplements the Public and private places consumption of alcohol as it pertains to under- age drinking. | 7/7/00 |
| #737 | AN ORDINANCE REGULATING THE CONSTRUCTION AND MAINTENANCE OF FENCES IN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. | Listing the requirements for a fence in a residential zone. | 11/2/00 |
| #738 | AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED JULY 3, 1969. | Amends that portion of ordinance dealing with fences. | 11/16/00 |

AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "BUILDING
CONSTRUCTION ORDINANCE OF THE BOROUGH
OF OCEANPORT" PASSED AND APPROVED
DECEMBER 7, 1967

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Building Construction Ordinance of the Borough of Oceanport" passed and approved on December 7, 1967, be amended and supplemented as follows:

1. ARTICLE III Permits and Certification; Fees is amended by the addition of Section 28-17 as follows:

Section 28-17. Deficiency in Escrow Account.

Notwithstanding any other provisions of this Ordinance, no building permit or certificate of occupancy shall be issued for any property as to which a deficiency exists in any escrow account previously established for the development of such property and held by the Borough until the balance of such escrow account has been restored to an amount which shall be sufficient in the sole discretion of the Municipal Engineer.

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

3. The Ordinance shall take effect following final passage and publication as provided by law.

Passed and approved by the Mayor and Council 5/21/98

PATRICIA L. VARCA
Municipal Clerk

ORDINANCE #704

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN
ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN
BOROUGH OFFICIALS" PASSED AND APPROVED ON MARCH 16, 1939**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, New Jersey as follows:

1. That Section 1, Paragraph K of an ordinance entitled "An Ordinance To Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939 be and the same is hereby amended to read as follows:

SECTION 1: The Yearly salaries of the officials and employees herein named effective January 1, 1998 be and hereby are fixed respectively as follows:

K. PUBLIC WORKS & RECYCLING DEPARTMENT

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| Public Work Administrative Consultant | \$ 7,800. |
| Superintendent | \$32,900. |
| Foreman | \$27,000. |
| Helper I | \$28,720.- \$30,085. |
| Helper II | \$20,000.- \$22,010. |
| Helper III | \$18,000.- \$19,855. |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Passed and approved by the Mayor and Council 5/21/98

PATRICIA L. VARCA
Municipal Clerk

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 14B (LICENSES AND PERMITS) OF THE
CODE OF THE BOROUGH OF OCEANPORT, COUNTY
OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING
FOR THE LICENSING OF THE CONDUCT, OPERATION AND
PLAYING OF CERTAIN AMUSEMENT GAMES WITHIN THE
BOROUGH OF OCEANPORT AT AGRICULTURAL FAIRS AND EXHIBITIONS.

BE IT ORDAINED BY THE BOROUGH COUNCIL of the Borough of Oceanport, County of Monmouth and State of New Jersey that Chapter 41 B of the Code of the Borough of Oceanport, County of Monmouth and State of New Jersey, be amended and supplemented as follows:

SECTION 1. PURPOSE

The Amusement Games Licensing Law (N.J.S.5:8-100, et seq.) provides that the owners and operators of any amusement games, as that term is defined by New Jersey law, must be licensed by the municipality within which such games are to be operated and conducted. The licensing requirement also applies to any organization wishing to hold an Agricultural Fair or Exhibition within any municipality (N.J.S. 5:8-121).

SECTION 2. DEFINITIONS.

As used herein:

- a.) "Agricultural Fair or Exhibition" means an event conducted by an association organized and approved by the New Jersey Department of Agriculture for the participation in any or all State sponsored programs relative to the promotion of agriculture and the advancement of agriculture interests in New Jersey.
- b.) "Amusement Game(s)" means any game of skill or chance or both meeting the definition of those terms set forth in N.J.S. 5:8-101.
- c.) "Commission" means the New Jersey Legalized Games of Chance Control Commission.
- d.) "Licensee" means the holder of a license pursuant to this Ordinance.
- e.) "Person" means an individual, sole proprietorship, partnership, corporation, joint venture, unincorporated association and the like.
- f.) "Borough" means the Borough of Oceanport.

SECTION 3. LICENSE REQUIRED.

It shall be unlawful for any person to own and operate any amusement game at any Agricultural Fair or Exhibition within the Borough without having first obtained a license to do so from the Borough.

SECTION 4. LICENSE TERM; FEE

- a.) All licenses shall be issued for the term set forth therein, but each license shall expire on December 31 of the year in which it is issued.
- b.) There shall be a non-refundable license fee of \$5.00 for each license issued, but if the term of any Agricultural Fair or Exhibition exceeds 30 days, the non-refundable license fee shall be \$50.00.
- c.) All licenses shall be issued by resolution of the Borough Council.

SECTION 5. APPLICATION FOR LICENSE; ISSUANCE.

- a.) All applications for licenses shall be submitted to the Borough Clerk on forms supplied by the Commission.
- b.) Applicants for the licenses shall be investigated by the Borough Police Department and they or their principals or shareholders may be subject to fingerprinting.
- c.) No license shall be issued to any applicant if any of the principals or shareholders associated therewith are not of good moral character or have been convicted of a crime, unless such disqualification resulting from such conviction has been removed by the Commission.
- d.) No license shall be issued for any premises licensed under any alcoholic beverage license.

SECTION 6. CONDUCT OF AMUSEMENT GAMES; HOURS

- a.) Amusement Games may be operated only on those days when there is conducted an Agricultural Fair or Exhibition within the Borough.
- b.) No Amusement Games may be operated prior to 10:00 a.m. and after 12:00 midnight on any day.

SECTION 7. INSURANCE REQUIREMENT

Any association organized and approved to conduct an Agriculture Fair or Exhibition must obtain comprehensive liability insurance coverage satisfactory to the Borough which names the Borough as an additional insured therein. No Amusement Games licenses will be issued without proof of such insurance coverage.

SECTION 8. PENALTIES FOR VIOLATION.

a.) Any Licensee who violates the provisions of this Ordinance, the Amusement Games Licensing Law or the rules and regulations of the Commissions, shall, after hearing before the Borough Council, be subject to having said license revoked or suspended.

b.) In addition to the provision of subsection "a" hereof, any person convicted in Municipal Court of violating any of the provisions of this Ordinance shall be subject to a fine of \$200.00 for each day such violation continues or imprisonment for a term not to exceed 90 days or both.

SECTION 9. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the other provisions hereof.

SECTION 10. PRIOR INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 11. EFFECTIVE DATE.

This ordinance shall take effect upon final passage and publication as required by law, but shall expire two (2) years thereafter unless readopted by the Borough. Any license granted before the expiration of this ordinance will be unaffected by said expiration.

Passed and approved by the Mayor and Council 6/4/98

PATRICIA L. VARCA
Municipal Clerk

ORDINANCE #706

BOND ORDINANCE APPROPRIATING \$151,250.
AND AUTHORIZING THE ISSUANCE OF \$143,650. BONDS OR NOTES
OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF
OCEANPORT IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The sever improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said several improvements or purposes stated in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor, and amounting in the aggregate to \$151,250. including the aggregate sum of \$7,600. as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and not available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$151,250..appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$143,650. pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes negotiable notes of the Borough in a principal amount not exceeding \$143,650. are hereby authorized to be issued pursuant to and within the limitations prescribed by said law. All such notes shall mature at such times as may be determined by the chief financial officer or such other financial officer designated by the resolution for this purpose (both being hereinafter referred to in this section as the "chief financial officer"); provided that no notes shall mature later than one year from its date. The notes shall bear interest at such rate or rates as may be determined by him and his signature upon the notes shall be conclusive as to such determination. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof for payment therefor. Such officer is authorized and directed to report in writing to the governing body of the Local Unit at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser. Such officer is further directed to determine all matters in connection with said notes not determined by this ordinance and his signature upon said notes shall be conclusive as to such determination. All notes issued hereunder may be renewed from time to time for periods of not exceeding one (1) year for the time period specified in and in accordance with the provisions of N.J.S. 40A:2-8 (a).

Section 3. The improvements hereby authorized and the purpose for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for such purpose is as follows:

5

ORDINANCE #706 CONTINUED

| <u>Improvement or Purpose</u> | <u>Appropriations and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> |
|---|--|---|
| Acquisition of approximately 5.1 acres of vacant land located on Horseneck Point Road known as Lot 2, Block 107 on the Official Tax Map for use as a waterfront preserve. The total purchase price of \$610,000.00 to be paid by a New Jersey Blue Acres grant in the sum of \$453,750.00, a low interest loan by the State of New Jersey for the amount authorized by this Ordinance and a balance of payment by the Borough in the sum of \$5,000.00. | \$151,250.00 | \$143,650. |

the excess of the appropriation made for the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose. All funds to be received from the Program shall be used to satisfy the obligations incurred pursuant to the terms of this Ordinance.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough may lawfully acquire to make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by the bond ordinance is 40 years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete duplicate hereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$143,650. and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.

(d) Amounts not exceeding \$37,800. in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate thereof.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of principal of and interest on the said obligations authorized by this bond ordinance.. Said obligations shall be direct, unlimited obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 6. The debt authorized by this bond ordinance may be satisfied by monies received from the sale of municipal property.

Section 7. This bond ordinance shall take effect 20 days after the first publication after final adoption as provided by said Local Bond Law.

Passed and approved by the Mayor and Council 8/20/98

PATRICIA L. VARCA.
Borough Clerk

ORDINANCE #707
AN ORDINANCE TO AMEND AN ORDINANCE
ENTITLED THE "CAPITAL IMPROVEMENTS ADVISORY
COMMITTEE ORDINANCE OF THE BOROUGH OF OCEANPORT"
PASSED AND APPROVED APRIL 16, 1998

BE IT ORDDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Capital Improvements Advisory Committee Ordinance of the Borough of Oceanport" passed and approved on April 16, 1998, be amended as follows:

1. Section 4A-3. Composition.

A. The Capital Improvements Advisory Committee shall be composed of nine members to be selected as follows:

- (1) Three members of the Borough Council, two of whom shall be the current members of the Council's Finance Committee.
- (2) Five resident of the Borough not holding municipal elective office.
- (3) The Chief Financial Officer of the Borough

2. Section 4A-4 Appointments; terms of office

The members of the Capital Improvements Advisory Committee shall be nominated by the Mayor and confirmed by the vote of the Council. Members of the Borough Council's Finance Committee and the Chief Financial Officer shall serve for the term of their respective appointments. The third member of the Borough Council shall serve for a term of one year to expire on December 31 next succeeding the date of appointment. The five resident members shall serve for terms of two years. Two resident members shall be appointed for terms expiring on December 31 next succeeding the date of appointment, and three resident members shall be appointed for terms expiring on December 31 of the year following the year of appointment. Following the initial appointments, all resident members shall serve for terms of two years. Vacancies in the membership of the Committee, occurring for whatever cause, shall be filled in the same manner in which the original appointments were made for the unexpired term thereof. Members shall serve for respective terms and until their successors are appointed and qualified.

3. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

4. The Ordinance shall take effect following final passage and publication as provided by law.

Passed and adopted by the Mayor and Council 9/17/98.

PATRICIA L. VARCA
Borough Clerk

ORDINANCE # 708
AN ORDINANCE REGULATING CONNECTIONS
TO THE SANITARY SEWER SYSTEM LOCATED
IN THE BOROUGH OF OCEANPORT, COUNTY
OF MONMOUTH AND STATE OF NEW JERSEY,
AND FIXING PENALTIES FOR THE VIOLATION
THEREOF.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, as follows;

Section 1. Connections.

No owner, occupant or tenant of residential, educational, religious, commercial or industrial properties situated in the Borough of Oceanport shall connect or maintain the connection or permit to be connected or permit the maintenance of the connection of any sump pumps, roof leaders, roof drains, swimming pools, ornamental ponds, water cooled refrigeration, air conditioning units, fire sprinkler systems, and any other similar devices with the Northeast Monmouth County Regional Sewer Authority's sanitary sewer system.

Section 2. Disconnection.

All existing connections, direct or indirect, to the sanitary sewer system as stated in Section 1 shall be disconnected and physically cut-off no later than 120 days from the adoption of this Ordinance.

Section 3. Inspection.

A. Existing units.

All existing units will be inspected by the Housing Inspector or his authorized designee in order to ensure compliance with this Ordinance. In the event of a sale or rental of any existing unit, no certificate of continued occupancy shall be issued until the Housing Inspector is satisfied that the property is in full compliance with the provisions of this Ordinance.

B. New units.

A certificate of occupancy will not be issued for new units until the Plumbing Inspector has completed his inspection pursuant to this Ordinance.

Section 4. Violations and penalties.

Any person who violates the provisions of this Ordinance shall be subject to a penalty not exceeding the sum of One Thousand (\$1,000.00) Dollars and/or imprisonment in the County jail not to exceed ninety (90) days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5. Prior ordinances.

All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

Section 6. Invalidity.

If any section, paragraph, subsections, clause or provision of this Ordinance shall be adjudged invalid, such adjudications shall apply only the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

Section 7. Effective date.

This Ordinance shall take effect upon final passage and publication in accordance with law.

Passed and adopted by the Mayor and Council 11/19/98.

PATRICIA L. VARCA
Borough Clerk

ORDINANCE #709

AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "BOROUGH OF
OCEANPORT TOWING ORDINANCE" PASSED
AND APPROVED MARCH 7, 1996.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, as follows:

1. That the ordinance entitled "The Borough of Oceanport Towing Ordinance" passed and approved on March 7, 1996, be and the same is hereby amended and supplemented as follows:

A. The title shall be amended to read "The Borough of Oceanport Towing and Storage Ordinance".

B. Section 19A shall be added as follows:

1. In the event it shall become necessary to store any privately owned motor vehicle, or any type of trailer or similar accessory equipment upon municipal property, the owner or owners of such vehicle or equipment shall be charged a fee of Fifteen (\$15.00) Dollars for each day of storage or part thereof. No such vehicle or equipment shall be released until the storage fee provided herein shall have been fully paid. 196, be and the same is hereby amended and supplemented as follows:

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect. Towing and Storage Ordinance".

3. This Ordinance shall take effect following final passage and publication as provided by law. 19A shall be added as follows:

Passed and adopted by the Mayor and Council on 2/4/99 to store any privately owned motor vehicle, or any type of trailer or similar accessory equipment upon municipal property, the owner or owners of such vehicle or equipment shall be charged a fee of Fifteen (\$15.00) Dollars for each day of storage or part thereof. No such vehicle or equipment shall be released until the storage fee provided herein shall have been fully paid. 196, be and the same is hereby amended and supplemented as follows:

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect. Towing and Storage Ordinance".

3. This Ordinance shall take effect following final passage and publication as provided by law. 19A shall be added as follows:

Passed and adopted by the Mayor and Council on 2/4/99 to store any privately owned motor vehicle, or any type of trailer or similar accessory equipment upon municipal property, the owner or owners of such vehicle or equipment shall be charged a fee of Fifteen (\$15.00) Dollars for each day of storage or part thereof. No such vehicle or equipment shall be released until the storage fee provided herein shall have been fully paid. 196, be and the same is hereby amended and supplemented as follows:

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect. Towing and Storage Ordinance".

3. This Ordinance shall take effect following final passage and publication as provided by law. 19A shall be added as follows:

Passed and adopted by the Mayor and Council on 2/4/99

ORDINANCE #710
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 1999 unless otherwise stated, be and the same is hereby amended to read as follows:

A. ADMINISTRATIVE AND EXECUTIVE

| | |
|---|-----------|
| Mayor | \$ 1,500. |
| Councilpersons, each (6) | \$ 1,500. |
| Borough Clerk | \$54,000 |
| Deputy Borough Clerk (effective 2/9/98) | |
| \$31,425 | |

B. FINANCIAL ADMINISTRATION

| | |
|-------------------------|----------|
| Chief Financial Officer | \$40,815 |
|-------------------------|----------|

C. BOARD OF ASSESSORS

| | |
|----------|----------|
| Assessor | \$15,715 |
|----------|----------|

D. COLLECTION OF TAXES

| | |
|------------------|----------|
| Tax Collector | \$39,500 |
| Tax Office Clerk | \$21,090 |

E. MUNICIPAL COURT

| | |
|--|----------|
| Municipal Court Judge | \$12,545 |
| Court Administrator | \$15,000 |
| Court Administrator (effective 4/1/99) | \$17,600 |
| Deputy Court Administrator | \$ 7,081 |
| Municipal Prosecutor | \$ 8,400 |
| Public Defender | \$ 2,500 |

F. LEGAL SERVICES

| | |
|------------------|-----------|
| Borough Attorney | \$ 3,500. |
|------------------|-----------|

11

ORDINANCE #710 CONTINUED

G. ENVIRONMENTAL COMMISSION

| | |
|-----------|---------|
| Secretary | \$ 440. |
|-----------|---------|

H. POLICE DEPARTMENT

| | |
|--------------------|----------|
| Chief | \$75,165 |
| Captain | \$67,453 |
| Detective Sergeant | \$65,118 |
| Sergeants, each | \$64,201 |
| Detective | \$61,701 |

| | |
|--|-----------|
| Patrolman I (commencing fifth year of service and each year thereafter) | \$60,770 |
| Patrolman II (commencing fourth year of service) | \$55,025 |
| Patrolman III (commencing third year of service) | \$49,281 |
| Patrolman IV (commencing second year of service) | \$43,535 |
| Patrolman V (commencing first year of service) | \$37,722 |
| Probationary Trainee | \$26,275. |

Dispatchers:

| | |
|--|----------|
| Third year of employment and each year thereafter | \$32,370 |
|--|----------|

| | |
|---------------------------|----------|
| Second year of employment | \$29,870 |
|---------------------------|----------|

| | |
|--------------------------|----------|
| First year of employment | \$27,525 |
|--------------------------|----------|

| | |
|---------------|----------|
| Records Clerk | \$ 3,090 |
|---------------|----------|

| | |
|------------------------------|----------|
| School Crossing Guards, each | \$ 6,956 |
|------------------------------|----------|

I. PUBLIC WORKS & RECYCLING DEPARTMENT

| | |
|--|----------------------|
| Public Works Administrative Consultant | \$ 5,200 |
| Superintendent | \$35,000 |
| Foreman | \$30,000 |
| Helper I | \$30,085. - \$31,515 |
| Helper II | \$22,010. - \$25,000 |
| Helper III | \$19,855 - \$20,800 |

ORDINANCE #710 CONTINUED

J. RECREATION AND EDUCATION

| | |
|---|----------|
| Recreation Director | \$ 5,280 |
| Recreation Aides & Assistants, total | \$ 9,650 |
| Building Custodian | \$ 1,440 |
| Community Center/Old Wharf House reservations | \$ 880 |
| Grounds Keeper | \$ 4,000 |
| Library Aide | \$ 1,600 |
| Construction Official | |
| \$16,085 | |
| FEMA Application Prep Work | \$ 1,600 |
| Building Inspector | \$ 8,190 |
| Plumbing SubCode Official | \$ 5,670 |
| Housing Inspector | \$ 2,855 |
| Fire SubCode Official | \$ 2,360 |
| Fire Marshal | \$ 2,360 |
| Building SubCode Official | \$ 4,000 |
| Zoning Enforcement Officer | \$ 3,560 |
| Casual Labor | \$ |

2,240

K. BOARD OF HEALTH

| | |
|-----------|----------|
| Registrar | \$ 1,110 |
|-----------|----------|

L. EMERGENCY MANAGEMENT

| | |
|----------------------------------|----------|
| Emergency Management Coordinator | \$ 2,370 |
|----------------------------------|----------|

M. CASUAL LABOR \$6.00 - \$15.00 per hour

ORDINANCE #710 CONINTUED

N. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 1999.

| | |
|-------------------------------------|-----------|
| 6 through 10 years of service----- | \$ 600. |
| 11 through 15 years of service----- | \$ 900. |
| 16 through 20 years of service----- | \$ 1,200. |
| 21 through 25 years of service----- | \$ 1,500. |
| 25 years of service and above----- | \$ 1,800. |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Adopted by the Mayor and Council 3/29/99

PATRICIA L. VARCA
Borough Clerk

ORDINANCE #711
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"THE BOROUGH OF OCEANPORT PERSONNEL POLICY"
PASSED AND APPROVED ON MARCH 20, 1986

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

- 1) That the ordinance entitled the "Borough of Oceanport Personnel Policy Ordinance" passed and approved on March 20, 1986 be and the same is hereby amended and supplemented as follows:
 - A. That Section 32B, 32D and 32E are hereby amended to read as follows:
 - B. Biweekly payroll: all full time employees, all members of the Police Department and School Crossing Guards, Plumbing Inspector, Fire Subcode Official, Zoning Enforcement Officer, Construction Official and the Court Administrator.
 - D. Quarterly payroll: The Tax Assessor, the Deputy Court Administrator, the Municipal Court Judge, the Fire Marshal, the Borough Attorney, the Registrar, the Mayor, the members of the Borough Council and all other employees.
 - E. Other-deleted.
 - 2) All provisions of the "Borough of Oceanport Personnel Policy Ordinance" being amended and supplemented herein which are not modified by this ordinance shall remain in full force and effect.
 - 3) This ordinance shall take effect upon final passage and publication as provided by law.

Passed and approved by the Mayor and Council May 6, 1999.

PATRICIA L. VARCA
Borough Clerk

ORDINANCE #712
AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "DOGS AND
OTHER ANIMALS ORDINANCE OF THE BOROUGH
OF OCEANPORT" PASSED AND APPROVED JULY 2, 1953

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Dogs and Other animals Ordinance of the Borough of Oceanport" passed and approved on July 2, 1953, be amended and supplemented as follows:

1. Section 34-15(A) and (B) of ARTICLE II CATS is amended as follows:

A. No person owning or having the care, custody or control of any cat shall willfully allow such animal to have free access beyond the property owned by such person without any attempt at restraint so as to permit such cat to soil or defile or to commit any nuisance upon any sidewalk, gutter, street, thoroughfare or park, in or upon any public property or in or upon the property of persons other than the owner or person having the care, custody and control of such cat.

B. No person owning or having the care, custody or control of any cat shall willfully allow such animal to have free access beyond the property owned by such person without any attempt at restraint so as to permit it to soil or defile or do any injury or damage to any lawn, shrubbery, flowers, grounds, trees or any property of persons other than the owner or person having the care, custody or control of such cat.

2. Section 34-18 Violations and penalties is amended as follows:

Any person convicted of violating any of the provisions of this ordinance shall upon conviction thereof be liable to a penalty of not more than one hundred dollars (\$100.00) for each offense.

3. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

4. This ordinance shall take effect following final passage and publication as provided by law.

Passed and approved by the Mayor and Council May 6, 1999.

PATRICIA L. VARCA
Borough Clerk

**ORDINANCE #713
AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "UNIFORM
CONSTRUCTION CODES ORDINANCE OF THE
BOROUGH OF OCEANPORT" PASSED AND APPROVED
MARCH 2, 1995.**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Uniform Construction Codes Ordinance of the Borough of Oceanport" passed and approved on March 2, 1995, be amended and supplemented as follows:

1. Section 30-3 Fees is amended by the addition of Subsection J. Grading plan application as follows:

J. Grading plan application.

For all applications to change, alter or modify the existing grade of any lot, a fee of seventy-five dollars (\$75.00) per lot shall be charged. If such application is made in connection with an application for a building permit, the building permit shall not be issued until the grading plan application fee provided herein shall have been paid.

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

3. This ordinance shall take effect following final passage and publication as provided by law.

Passed and approved by the Mayor and Council May 6, 1999.

PATRICIA L. VARCA
Borough Clerk]

Ordinance #714

AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE 'FEES ORDINANCE
OF THE BOROUGH OF OCEANPORT' PASSED AND
APPROVED DECEMBER 7, 1978

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport,,in the County of Monmouth and State of New Jersey that the ordinance entitled the "Fees Ordinance of the Borough Oceanport" passed and approved on December 7, 1978, be amended and supplemented as follows:

1. Section 35A-2.1 Review deposits, Subsection A is amended as follows:

A. For every application for subdivision or site plan approval, the applicant shall pay to the borough the following review deposits in addition to all other filing fees:

(1) The applicant shall deposit with the borough moneys to be utilized to pay the cost of any professional fees, including those of the Municipal Engineer, incurred for review of a submission for development. Said moneys shall be placed in an escrow account by the borough's Chief Financial Officer in accordance with the provisions of N.J.S.A. 40:55D-53.1.

(2) No submission shall be deemed complete until such time as the applicant shall have posted with the borough , in cash, certified check or money order, the amount of escrow determined herein. The amount of fees to be posted shall be:

| DEVELOPMENT APPLICATION | ESCROW TO BE POSTED |
|---|------------------------|
| Residential (units and/or lots): 1 to 3 (Minor Subdivision) | \$ 800.00 |
| Minor Site Plan | 800.00 |
| All other site plans | 2,000.00 |
| 2 to 3 (major subdivision) | 2,000.00 |
| 4 to 10 | 2,500.00 |
| 11 to 25 | 3,500.00 |
| 26 to 100 | 5,000.00 |
| 101 to 500 | 6,000.00 |
| 501 and over | 7,500.00 |
| Commercial/industrial Proposed additional or expanded structures involving gross floor area (in square feet) of: | |
| 0 to 2,500 | \$1,000.00 |
| 2,501 to 5,000 | 2,000.00 |
| 5,001 to 10,000 | 3,000.00 |
| 10,001 to 25,000 | 4,000.00 |
| 25,001 to 50,000 | 5,000.00 |
| 50,001 to 100,000 | 7,500.00 |
| 100,001 and over | 10,000.00 |

2. All provisions of the ordinance bein amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

3. This ordinance shall take effect following final passage and publication as provided by law.

Passed and approved by the Mayor and Council May 6, 1999.

PATRICIA L. VARCA
Borough Clerk

ORDINANCE #715

**AN ORDINANCE TO REPEAL AN ORDINANCE
ENTITLED THE WOLFHILL FOUNDATION
COMMITTEE ORDINANCE OF THE BOROUGH OF
OCEANPORT, NEW JERSEY" PASSED AND APPROVED
ON NOVEMBER 6, 1997**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, and State of New Jersey that the ordinance entitled the "Wolfhill Foundation Committee Ordinance of the Borough of Oceanport, New Jersey" passed and approved on November 6, 1997, be, and same is hereby repealed in its entirety.

1. This Ordinance shall take effect following final passage and publication as proved by law.

Passed and approved by the Mayor and Council May 20, 1999

PATRICIA L. VARCA
Borough Clerk, RMC

ORDINANCE #716

BOND ORDINANCE APPROPRIATING \$259,195.
 AND AUTHORIZING THE ISSUANCE OF \$246,180.
 BONDS OR NOTES OF THE BOROUGH FOR
 VARIOUS IMPROVEMENTS OR PURPOSES
 AUTHORIZED TO BE UNDERTAKEN BY THE
 BOROUGH OF OCEANPORT IN THE COUNTY OF
 MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor, and amounting in the aggregate to \$259,195, including the aggregate sum of \$13,015, as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and not available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$259,195, appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$246,180, pursuant to the Local Bond Law of New Jersey. In Anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes negotiable notes of the Borough in a principal amount not exceeding \$246,180, are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. All such notes shall mature at such times as may be determined by the chief financial officer or such other financial officer designated by the resolution for this purpose (both being hereafter referred to in this section as the "chief financial officer"); provided that no notes shall mature later than one year from its date. The notes shall bear interest at such rate or rates as may be determined by him and his signature upon the notes shall be conclusive as to such determination. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchaser thereof upon receipt of payment of the purchase price plus interest from their dates to the date of delivery thereof for payment therefor. Such officer is authorized and directed to report in writing to the governing body of the Local Unit at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made, such report to include the amount, description, interest rate and maturity of the notes sold, the proceeds obtained and the name of the purchaser. Such officer is further directed to determine all matters in connection with said notes not determined by this ordinance and his signature upon said notes shall be conclusive as to such determination. All notes issued hereunder may be renewed from time to time for periods of not exceeding one (1) year for the time period specified in and in accordance with the provisions of N.J.S. 40A:2-8(a)/

Section 3. The improvements hereby authorized and the purpose for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for such purpose, is as follows:

ORDINANCE # 716 CONTINUED

| <u>Improvement or Purpose</u> | <u>Appropriations and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> |
|--|--|---|
| (1) First Aid Emergency Medical Vehicle (Ambulance) | \$ 95,000.00 | \$ 90,250.00 |
| (2) Police Dept. Radios | 5,000.00 | 4,750.00 |
| (3) Police Computer System | 18,645.00 | 17,660.00 |
| (4) Generator | 25,000.00 | 23,750.00 |
| (5) First Aid Boat | 4,550.00 | 4,320.00 |
| (6) Reconstruction of Streets | 111,000.00 | 105,450.00 |

the excess of the appropriation made for the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated is the amount of the said down payment for said purpose. All funds to be received from the Program shall be used to satisfy the obligations incurred pursuant to the terms of this Ordinance.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough may lawfully acquire to make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by the bond ordinance is 15 years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and complete duplicate hereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$246,180. and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.

(d) Amounts not exceeding \$64,800. in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimated thereof.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of principal of and interest on the said obligations authorized by this bond ordinance. Said obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 6. The debt authorized by this bond ordinance may be satisfied by monies received from the sale of municipal property.

Section 7. This bond ordinance shall take effect 20 days after the first publication after the final adoption as provided by said Local Bond Law.

Passed and approved by the Mayor and Council June 3, 1999

PATRICIA L. VARCA
Borough Clerk, RMC

ORDINANCE #717
AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "FLOOD DAMAGE
PREVENTION ORDINANCE OF THE BOROUGH OF
OCEANPORT" PASSED AND APPROVED ON FEBRUARY 4, 1988

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Flood Damage Prevention Ordinance of the Borough of Oceanport" passed and approved on February 4, 1888, be amended and supplemented as follows:

1. Section 36-17 Specific Standards, Subsection A Residential Construction shall be amended as follows:

A. Residential construction. New construction and substantial improvement of any residential structure as defined in Section 36-5 of this Ordinance shall have the first finished floor elevated to or above base flood elevation which shall be not less than eleven and one-half (11 1/2) feet above the mean sea level. In the event of substantial improvement to an existing residential structure, the existing structure shall be elevated to comply with the minimum base flood elevation required by this ordinance.

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

3. This Ordinance shall take effect on September 1, 1999, following final passage and publication as provided by law.

Passed and approved by the Mayor and Council June 3, 1999.

PATRICIA L. VARCA
Borough Clerk, RMC

ORDINANCE #718

AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "SWIMMING POOLS
ORDINANCE OF THE BOROUGH OF OCEANPORT"
PASSED AND APPROVED FEBRUARY 7, 1985

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Swimming Pools Ordinance of the Borough of Oceanport" passed and approved on February 7, 1985, be amended and supplemented as follows:

1. Section 56.11. Fencing is amended and supplemented by the addition of Subsection D as follows:

D. With regard to waterfront properties on which the swimming pool is located between the dwelling and the waterfront, no fence shall be required to enclose that side of the swimming pool which is parallel to the river, provided:

(1) the entire waterfront of the property is bulkheaded extending from sideline to sideline:

(2) the height of the bulkhead for its entire length is not less than four (4) feet measured from the river bottom, thereby creating an effective barrier, and

(3) both side fences aligned perpendicular to the bulkhead extend not less than twenty-four (24) inches beyond the water side of the bulkhead.

As to all other waterfront properties, the swimming pools shall be enclosed as provided in Subsection A of this section.

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

3. This Ordinance shall take effect following final passage and publication as provided by law.

Passed and approved by the Mayor and Council June 3, 1999.

PATRICIA L. VARCA
Borough Clerk, RMC

ORDINANCE # 719

**AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE
ENTITLED "THE BOROUGH OF OCEANPORT PERSONNEL POLICY
ORDINANCE" PASSED AND APPROVED ON MARCH 20, 1986.**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows"

1. That the ordinance entitled the "Borough of Oceanport Personnel Policy Ordinance" passed and approved on March 20, 1986, be and the same is hereby amended and supplement as follows:

- A. That Sections 32B and 32D are hereby amended to read as follows:
 - B. Biweekly payroll: all full time employees, all members of the Police Department and School Crossing Guards, Plumbing Inspector, Fire Subcode Official, Zoning Enforcement Officer, Construction Official, Court Administrator and the Deputy Court Administrator.
 - D. Quarterly payroll: Tax Assessor, Municipal Court Judge, Fire Marshall, Borough Attorney, Registrar, Mayor, the members of the Borough Council and all other employees.

B. That Section 26A(2) is hereby amended to read as follows:

- (2) The Borough shall pay the full premium for such medical plan for the employee and his dependents both during the term of employment and, provided that such employee remains insurable and has completed not less than twenty-five (25) years of public employment ("employment period"). throughout the term of such employee's retirement. Such employment period shall consist of not less than twenty (20) years of employment by the borough, as well as employment by any other public employer qualifying for participation in the employee's retirement system, provided that the total length of all such public employment shall be not less than twenty-five (25) years.

If an employee has completed less than twenty-five (25) years of public employment but at least ten (10) years of employment by the borough by the date upon which the retirement of any such employee shall become effective, the borough shall pay the full premium for such medical plan for the employee and his dependents for a period of one (1) year following the date such retirement becomes effective, provided such employee remains insurable. Thereafter, the retired employee may elect to continue such coverage; provided, however, that the employee remains insurable and agrees to pay for the cost of continued participation in such plan.

2. All provisions of the ordinance being amended and supplemented herein which are modified by this ordinance shall remain in full force and effect.

3. This ordinance shall take effect following final passage and publication as provided by law.

Passed and approved by the Mayor and Council September 2, 1999.

PATRICIA L. VARCA
Borough Clerk

ORDINANCE #720
AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE
ENTITLED THE "FIRE DEPARTMENT ORDINANCE OF THE
BOROUGH OF OCEANPORT" PASSED AND APPROVED DECEMBER 2, 1929.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Fire Department Ordinance of the Borough of Oceanport" passed and approved on December 2, 1920, be amended and supplemented as follows:

1. Section 8-3A shall be added as follows:

8-3A. Injuries to members.

When any member of any volunteer fire company or first aid squad shall become either ill or injured during the course or as a consequence of the performance of his or her duties as a member of such company or squad, the Borough shall have the right to require such member to provide the Borough with a written certification from a duly licensed physician evidencing such member's fitness to resume performance of his or her duties prior to allowing such member to return to active duty in such company or squad.

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

3. This ordinance shall take effect following final passage and publication as provided by law.

Passed and approved by the Mayor and Council September 2, 1999.

PATRICIA L. VARCA
Borough Clerk

AN ORDINANCE TO AMEND AN ORDINANCE
ENTITLED THE "FIRE PREVENTION ORDINANCE
OF THE BOROUGH OF OCEANPORT" PASSED AND
APPROVED JULY 18, 1985.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Fire Prevention Ordinance of the Borough of Oceanport" passed and approved on July 18, 1985, be amended as follows:

1. Section 37-10C is amended as follows:

C. Violations of the fire lanes shall be punishable by a fine of fifty dollars (\$50) for the first offense and one hundred dollars (\$100) for each repeated offense.

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

3. This ordinance shall take effect following final passage and publication as provided by law.

Passed and approved by the Mayor and Council September 2, 1999

PATRICIA L. VARCA
Borough Clerk

215
ORDINANCE #722
AN ORDINANCE TO AMEND AND ORDINANCE
ENTITLED "THE TRAFFIC ORDINANCE OF THE
BOROUGH OF OCEANPORT" PASSED AND
APPROVED APRIL 1, 1993

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, as follows:

1. That the ordinance entitled "The Traffic Ordinance of the Borough of Oceanport" passed and approved on April 1, 1993, be and the same is hereby amended as follows:

a. Section 64-1.1 Overnight parking is amended to read as follows:

Notwithstanding any contrary provisions of this ordinance, no person shall park a vehicle on any street or roadway within the Borough of Oceanport from the Fifteenth day of November to the thirty-first day of March between the hours of 2:00 a.m. and 5:00 a.m.

2. All provisions of the ordinance being amended herein which are not modified by this Ordinance shall remain in full force and effect.

3. This Ordinance shall take effect following final passage and publication as required by law.

APPROVED BY THE MAYOR AND COUNCIL OCTOBER 22, 1999

PATRICIA L. VARCA
Borough Clerk

ORDINANCE # 723

**AN ORDINANCE ESTABLISHING THE FLOOD HAZARD
MITIGATION AND FLOOD PLAIN MANAGEMENT
PLAN COMMITTEE: PROVIDING FOR THE APPOINTMENT
OF MEMBERS THEREOF, AND DESIGNATING ITS PURPOSE AND DUTIES.**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Title

This ordinance shall be known and may be cited as the "Flood Hazard Mitigation Flood Plain Management Plan Committee Ordinance of the Borough of Oceanport, New Jersey".

Section 2. Establishment.

There is hereby established and created a committee of the Borough of Oceanport to be known as the "Flood Hazard Mitigation and Flood Plain Management Plan Committee of the Borough of Oceanport".

Section 3. Composition

The Committee shall be composed of eight (8) members, to be selected and appointed by the Mayor at the next regular meetings of the Borough Council after this ordinance shall become effective. The Committee shall consist of the following: Superintendent of Public Works, Construction Official and the Director of Emergency Management. In addition, there shall be appointed one (1) member of the Borough Council and four (4) at-large members who shall be neither Borough employees nor elected officials of the Borough and all of whom shall reside in flood-prone area.

Section 4. Appointments; terms of office.

The members of the Committee shall be appointed by the Mayor. All members shall serve for a term of one (1) year, except that the members initially appointed shall serve for terms expiring December 31, 2000. Vacancies in the membership of the Committee, occurring for whatever cause, shall be filled in the same manner in which the original appointments were made, for the unexpired term thereof. Members shall serve for respective terms and until their successors are appointed and qualified.

Section 5. Removal from office.

Any member of the Committee may be removed from his or her office for cause, after an opportunity has been given for a hearing and upon the vote of a majority of the Council.

Section 6. Qualifications of members.

Members of the Committee shall be resident of the Borough of Oceanport and shall serve without compensation, except as may be hereinafter provided.

Section 7. Oath of office.

Each member of the Committee shall, before assuming office, take and subscribe an oath that he will faithfully and impartially discharge the duties of his office.

Section 8. Officers.

The members of the Committee shall choose annually, from among the Committee members, a Chairman. The members of the Committee may also choose such other officers as it may deem necessary.

Section 9. Quorum.

A majority of the members shall constitute a quorum of the Committee.

Section 10. Purpose.

The purpose of this ordinance shall be to create a committee to develop and implement community outreach projects, to aid in the flood hazard mitigation planning process and to develop a flood plain management plan.

Section 11. Annual appropriation.

A. During the month of December in each year, the Committee shall certify to the governing body of the Borough of Oceanport the estimated sum necessary for the proper conduct of its work during the ensuing fiscal year, which shall include the sums estimated to be expended for such of the following items as it is anticipated expenditure will be made for, namely:

- (1) Expenses of Committee members in discharging official duties, including expenses incident to attendance at professional meetings.
- (2) Purchase of necessary equipment and materials and the costs of services for the prudent promotion of the work.

B. The governing body of the Borough of Oceanport shall annually appropriate such sum as it may deem necessary for said purposes, which sum may thereafter be administered and disbursed by the Committee.

Section 12. Annual report.

The Committee shall make an annual report to the Borough Council setting forth in detail its operations, transactions and accomplishments for the preceding year..

Section 13. Liability.

Nothing in this ordinance shall be construed to make the Committee or any member thereof liable for the death or injury of any person, or for any injury to any property.

Section 14. Severability.

If any section, paragraph, sentence, clause, phrase or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify this ordinance, as a whole or any part thereof, other than the part immediately involved in the controversy in which such judgment shall be rendered, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 15. Repealer.

All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section 16. When effective.

This ordinance shall take effect upon final passage and publication according to law.

ADOPTED BY THE COUNCIL ON NOVEMBER 4, 1999.

PATRICIA L. VARCA
Borough Clerk

AN ORDINANCE TO AMEND AN ORDINANCE
ENTITLED THE "FLOOD DAMAGE PREVENTION
ORDINANCE OF THE BOROUGH OF OCEANPORT"
PASSED AND APPROVED FEBRUARY 4, 1988.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Flood Damage Prevention Ordinance of the Borough of Oceanport" passed and approved on February 4, 1988, be amended as follows:

1. Section 36-5 Word usage:- definitions is amended as follows:

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "market value" shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. The cost of the repair, reconstruction or improvement shall be determined by an itemized construction cost estimate prepared, signed and sealed by any architect or professional engineer licensed by the State of New Jersey and submitted to the Construction Official. "Substantial Improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

2. All provisions of the ordinance being amended herein which are not modified by this Ordinance shall remain in full force and effect.

3. This ordinance shall take effect following final passage and publication as provided by law.

ADOPTED BY THE COUNCIL ON DECEMBER 2, 1999

PATRICIA L. VARCA
Borough Clerk

ORDINANCE #725

AN ORDINANCE TO AMEND AND SUPPLEMENT AN
ORDINANCE ENTITLED THE "LAND USE PROCEDURES
ORDINANCE OF THE BOROUGH OF OCEANPORT",
CHAPTER 41 A, PASSED AND APPROVED ON
DECEMBER 16, 1976, AN THE "BOROUGH OF OCEANPORT
ZONING ORDINANCE", CHAPTER 68, PASSED AND
APPROVED ON JULY 3, 1969, TO DELETE ALL
REFERENCES TO THE ZONING BOARD OF ADJUSTMENT
AND TO ASSIGN ALL POWERS OF THE ZONING BOARD
TO THE PLANNING BOARD

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. Section 68-4 Word usage; terms defined of the ordinance entitled the "Borough of Oceanport Zoning Ordinance" passed and approved on July 3, 1969, is hereby amended such that the definition of "Zoning Board" is hereby deleted in its entirety.

Establishment:composition

2. Article I Planning Board, Section 41A-1 Establishment;composition of the ordinance entitled the "Land Use Procedures Ordinance of the Borough of Oceanport" passed and approved on December 16, 1976, is hereby amended to read as follows:

There is hereby established pursuant to P.L. 1975, c.291, in the Borough of Oceanport a Planning Board of nine (9) members consisting of the following four (4) classes:

A. Class I: the Mayor or the Mayor's designee in the absence of the Mayor.

B. Class II: one (1) of the officials of the municipality other than a member of the governing body to be appointed by the Mayor; provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member for purposes of this section in the event that there be among the Class IV or alternate members of the Planning Board a member of the Board of Education. The Mayor shall have the additional authority to appoint one (1) alternate Class II member.

C. Class III: a member of the governing body to be appointed by it. The governing body may also appoint one (1) alternate Class III member.

D. Class IV: Six (6) other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one (1) member may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning Board member unless there be among the Class IV members of the Planning Board both a member of the Recreation Committee and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board. For the purposes of this section, membership on a municipal board, commission or committee whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the

holding of municipal office. The Mayor shall have the authority to appoint two (2) alternate Class IV members.

3. Section 41A-2 Terms is hereby amended to delete all references to the Board of Adjustment".

4. Section 41A-6.1 is hereby added as follows:

41A-6.1 Powers of the Planning Board in Fulfillment of its Dual Function as the Zoning Board of Adjustment.

A. Pursuant to N.J.S.A. 40:45D-25, the Planning Board shall also carry out all of the functions and duties carried out by a Zoning Board of Adjustment. Accordingly, the powers of the Planning Board shall incorporate those provided in accordance with N.J.S.A. 40:55D-69 et seq. and amendments and supplements thereto, and with the provisions of this Article.

B. It is further the intent of this Article to confer upon the Planning Board as full and complete powers as may lawfully be conferred upon such Board, including, not by way of limitation, the authority in connection with any case, action or proceeding before the Board to interpret and construe the provisions of this or any term, clause, sentence, or work hereof, and the zoning map, in accordance with the general rules of construction applicable to legislative enactments.

4. Section 41A-7 Powers and Duties Generally is hereby amended to delete all references to "Zoning Board of Adjustment".

5. Article III Provisions Applicable to Both Boards is hereby amended to delete all references to the "Zoning Board of Adjustment".

6. Section 41A-7 Pending applications is hereby deleted in its entirety.

7. All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed as to the extent of such inconsistencies.

8. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

9. All provisions of the ordinances being amended and supplement herein which are not modified by this Ordinance shall remain in full force and effect.

10. This Ordinance shall take effect on January 1, 2000, following final passage and publication as provided by law.

ADOPTED BY THE COUNCIL DECEMBER 16, 1999.

PATRICIA L. VARCA
Borough Clerk

AN ORDINANCE TO REPEAL ARTICLES II AND IV
OF THE LAND USE PROCEDURES ORDINANCE
CHAPTER 41A, OF THE BOROUGH
OF OCEANPORT PASSED AND APPROVED
ON DECEMBER 16, 1976 AND
ARTICLE X OF THE BOROUGH OF OCEANPORT
ZONING ORDINANCE, CHAPTER 68, PASSED AND
APPROVED ON JULY 3, 1969.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. Article II (Sections 41A-13 through Section 41A-24) and Article IV (Section 41A-35 through Section 41A-37) of the Land Use Procedures Ordinance of the Borough of Oceanport, Chapter 41A, passed and approved on December 16, 1976, are hereby repealed in their entirety.

2. Article X (Section 68-36 through Section 69-39) of the Borough of Oceanport Zoning Ordinance, Chapter 68, passed and approved on July 3, 1969, is hereby repealed in its entirety.

3. All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed as to the extent of such inconsistencies.

4. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

5. All provisions of the ordinance being modified herein which are not affected by this Ordinance shall remain in full force and effect.

6. This Ordinance shall take effect on January 1, 2000, following final passage and publication as provided by law.

ADOPTED BY THE COUNCIL DECEMBER 16, 1999.

PATRICIA L. VARCA
Borough Clerk

AN ORDINANCE TO AMENDED AN ORDINANCE ENTITLED
THE "FEES ORDINANCE OF THE BOROUGH OF OCEANPORT"
PASSED AND APPROVED ON APRIL 16,,1981.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, as follows:

1. Section 35A-2 of the ordinance entitled the "Fees Ordinance of the Borough of Oceanport" passed and approved on April 16, 1981, which section is entitled "Zoning Board of Adjustment Fees" is amended to read Variance and Interpretation Application Fees" and all references to Zoning Board of Adjustment shall be replaced with the term "Planning Board".

2. Sectin 35A-3 Applicability is amended to delete the references to "Zoning Board of Adjustment".

3. Section 35A-8 Incentives is amended to delete from Subparagraph E thereof the reference to "Board of Adjustment" to be replaced with the term "Planning Board".

4. All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed as to the extent of such inconsistencies.

5. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

6. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

7. This Ordinance shall take effect on January 1, 2000, following final passage and publication as provided by law.

ADOPTED BY THE COUNCIL DECEMBER 16, 1999.

PATRICIA L. VARCA
Borough Clerk

AN ORDINANCE TO AMEND AND SUPPLEMENT AN
ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT"
ZONING ORDINANCE " PASSED AND
APPROVED JULY 3, 1969.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Borough of Oceanport Zoning Ordinance" passed and approved on July 3, 1969, be amended and supplemented as follows:

1. Section 68-4 Word usage: terms defined is amended as follows:

HEIGHT OF BUILDING - The vertical dimension of a building measured from the mean or average elevation between the proposed grade at the front property line and the proposed grade at the front foundation to the highest point of the roof in the case of a flat roof. In the case of a gable, mansard, hip or gambrel type roof, the height shall be measured to the highest point of the ridge. In determining the proposed grade at the front foundation, mounding, terracing or other devices designed to allow increased building height shall not be included in the grade calculation. On a corner lot, the building height shall be measured from that street which is to be regarded as the front of the building lot. Maximum height for flat roofs shall be thirty feet and zero (30'-0") inches and the maximum height for all other roof types shall be thirty five feet and zero (35'-0") inches. All buildings shall be a maximum of two (2) stories in height. In all cases where this ordinance provides for height limitations by reference to a specified height and a specified number of stories, the intent is to limit height to a specified maximum footage and the specified number of stories with said footage.

2. Section 68-16 Accessory structures is amended as follows:

D. Height of accessory building. No accessory building shall exceed fifteen (15) feet or one (1) story in height.

3. SCHEDULE II BULK AND COVERAGE CONTROLS is amended in accordance with Exhibit A. attached hereto and made a part hereof.

4. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance remain in full force and effect.

5. This ordinance shall take effect following final passage and publication as provided by law.

ADOPTED BY THE COUNCIL DECEMBER 16, 1999

PATRICIA L. VARCA
Borough Clerk

EXHIBIT A
SCHEDULE II
BULK AND COVERAGE CONTROLS

| | R-1 Single- Family | R-2 Single- Family | R-3 Single- Family | R-4 Single Family | R-5 Single- Family | R-5 Two- Family | R-7.5 Single- Family | RM Multi- Family | RMD Multiple- Family Development | V-C Village Center | B-1 Profes- sional and Office | B-2 General and Recreational Commercial | I Industrial |
|------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------|--------------------------|-----------------------|----------------------------|------------------------|---|--------------------------|---|--|-----------------|
| Maximum height (stories / feet) | | | | | | | | | | | | | |
| Flat Roof | 2/30 | 2/30 | 2/30 | 2/30 | 2/30 | 2/30 | 2/30 | 2/30 | | 2/30 | 2/30 | 2/30 | 2/30 |
| All other roof types | 2/35 | 2/35 | 2/35 | 2/35 | 2/35 | 2/35 | 2/35 | 2/35 | | 2/35 | 2/35 | 2/35 | 2/35 |

NOTES:

- 5 Permitted height for conforming lots only. For nonconforming lots the height shall be determined only after Planning Board or Zoning Board review to assure compliance with the intent and purpose of the Zoning Law.

BOND ORDINANCE APPROPRIATING \$682,997.
AND AUTHORIZING THE ISSUANCE OF \$ 549,097
BONDS OR NOTES OF THE BOROUGH FOR
VARIOUS IMPROVEMENTS OR PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE
BOROUGH OF OCEANPORT IN THE COUNTY
OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY(not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said several improvements or purposes stated in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor, and amounting in the aggregate to \$682,997. including the aggregate sum of \$133,900. as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and not available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$682,997. appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$549,097. pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes negotiable notes of the Borough in a principal amount not exceeding \$549,097. are hereby authorized to be issued pursuant to and within the limitations prescribed by said law. All such notes shall mature at such times as may be determined by the chief financial officer or such other financial officer designated by the resolution for this purpose(both being hereafter referred to in this section as the "chief financial officer"); provided that no notes shall mature later than one year from its date. The notes shall bear interest at such rate or rates as may be determined by him and his signature upon the notes shall be conclusive as to such determination. The chief financial officer is hereby authorized to sell the notes from time to time as public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof for payment therefor. Such officer is authorized and directed to report in writing to the governing body of the Local Unit at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser. Such officer is further directed to determine all matters in connection with said notes not determined by this ordinance and his signature upon said notes shall be conclusive as to such determination. All notes issued hereunder may be renewed from time to time for periods of not exceeding one (1) year for the time period specified in and in accordance with the provisions of N.J.S. 40A:2-8(a).

Section 3. The improvements hereby authorized and the purpose for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for such purpose, is as follows:

ORDINANCE # 729 CONTINUED

| <u>Improvement or Purpose</u> | <u>Appropriations and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> |
|--|--|---|
| 1. Acquisition of dump truck | 39,858. | 37,865. |
| 2. Acquisition of mower | 25,639. | 24,357. |
| 3. Acquisition of leaf vacuum | 32,000. | 30,400. |
| 4. Repair of Sommers Park Sea Wall | 10,000. | 9,500. |
| 5. Acquisition of fire truck | 100,000. | 95,000. |
| 6. General road improvements | 303,000. | 188,100. |
| 7. Improvements to Port-Au-Peck Firehouse | 100,000. | 95,000. |
| 8. Renovations to public buildings | 40,000. | 38,000. |
| 9. Acquisition of defibrillators | 7,000. | 6,650. |
| 10. Generator: electric wiring | 7,000. | 6,650. |
| 11. Improvements to parks | 10,000. | 9,500. |
| 12. Acquisition of computer equipment for Borough offices | 8,500. | 8,075. |
| | <u>\$682,997.</u> | <u>\$549,097.</u> |

the excess of the appropriation made for the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose. All funds to be received from the Program shall be used to satisfy the obligations incurred pursuant to the terms of this Ordinance.

Section 4. The following additional matters are hereby determined, declared recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough may lawfully acquire to make as a general improvement, and not part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purpose within the limitations of said Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by the bonds authorized by the bond ordinance is 15 years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete duplicate hereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$549,097, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.

(d) Amounts not exceeding \$107,750. in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate thereof.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of principal of and interest on said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest

ORDINANCE #729 CONTINUED

thereon without limitation of rate or amount.

Section 6. The debt authorized by this bond ordinance may be satisfied by moned received from the sale of municipal property

Section 7. This bond ordinance shall take effect 20 days after the first publication after final adoption as provided by said Local Bond Law.

ADOPTED BY THE COUNCIL MARCH 9, 2000

PATRICIA L. VARCA
Borough Clerk

ORDINANCE # 730
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2000 unless otherwise stated, be and the same is hereby amended to read as follows:

A. ADMINISTRATIVE AND EXECUTIVE

| | |
|---|-----------|
| Mayor | \$ 1,500. |
| Councilpersons, each (6) | \$ 1,500. |
| Borough Clerk | \$60,000 |
| Deputy Borough Clerk (effective 2/9/98) | \$34,000 |

B. FINANCIAL ADMINISTRATION

| | |
|-------------------------|----------|
| Chief Financial Officer | \$41,635 |
|-------------------------|----------|

C. BOARD OF ASSESSORS

| | |
|----------|----------|
| Assessor | \$16,500 |
|----------|----------|

D. COLLECTION OF TAXES

| | |
|------------------|----------|
| Tax Collector | \$42,000 |
| Tax Office Clerk | \$22,145 |

E. MUNICIPAL COURT

| | |
|----------------------------------|----------|
| Municipal Court Judge | \$12,985 |
| Court Administrator | \$17,600 |
| Court Assistant-Hourly rate \$15 | \$ 3,000 |
| Municipal Prosecutor | \$ 8,400 |
| Public Defender | \$ 2,500 |

F. LEGAL SERVICES

| | |
|------------------|-----------|
| Borough Attorney | \$ 3,500. |
|------------------|-----------|

ORDINANCE #730 CONTINUED

G. POLICE DEPARTMENT

| | |
|--|----------|
| Chief | \$80,000 |
| Captain | \$70,826 |
| Detective Sergeant | \$68,374 |
| Sergeants, each | \$64,201 |
| Detective | \$61,701 |
| Patrolman I (commencing fifth year of service and each year thereafter) | \$60,770 |
| Patrolman II (commencing fourth year of service) | \$55,025 |
| Patrolman III (commencing third year of service) | \$49,281 |
| Patrolman IV (commencing second year of service) | \$43,535 |
| Patrolman V (commencing first year of service) | \$37,722 |
| Probationary Trainee | \$26,275 |
| Dispatchers: | |
| Third year of employment and each year thereafter | \$32,370 |
| Second year of employment | \$29,870 |
| First year of employment | \$27,525 |
| Records Clerk | \$ 3,090 |
| School Crossing Guards, each | \$ 6,956 |

I. PUBLIC WORKS & RECYCLING DEPARTMENT

| | |
|--|---------------------|
| Public Works Administrative Consultant | \$ 5,200 |
| Superintendent | \$35,000 |
| Foreman | \$30,000 |
| Helper I | \$30,085 - \$31,515 |
| Helper II | \$22,010 - \$25,000 |
| Helper III | \$19,855 - \$20,800 |

J. RECREATION AND EDUCATION

| | |
|---|----------|
| Recreation Director | \$ 5,280 |
| Recreation Aides & Assistants, total | \$ 9,650 |
| Building Custodian | \$ 1,440 |
| Community Center/Old Wharf House reservations | \$ 880 |
| Grounds Keeper | \$ 4,000 |
| Library Aide | \$ 1,600 |

ORDINANCE #730

| | |
|----------------------------|----------|
| Construction Official | \$16,085 |
| FEMA Application Prep Work | \$ 1,600 |
| Building Inspector | \$ 8,190 |
| Plumbing SubCode Official | \$ 5,670 |
| Housing Inspector | \$ 2,855 |
| Fire SubCode Official | \$ 2,360 |
| Fire Marshal | \$ 2,360 |
| Building SubCode Official | \$ 4,000 |
| Zoning Enforcement Officer | \$ 3,560 |
| Casual Labor | \$ 2,240 |

K. BOARD OF HEALTH

| | |
|-----------|----------|
| Registrar | \$ 1,110 |
|-----------|----------|

L. EMERGENCY MANAGEMENT

| | |
|----------------------------------|----------|
| Emergency Management Coordinator | \$ 2,370 |
|----------------------------------|----------|

M. CASUAL LABOR \$6.00 - \$15.00 per hour

N. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 1999.

| | |
|-------------------------------------|-----------|
| 6 through 10 years of service----- | \$ 600. |
| 11 through 15 years of service----- | \$ 900. |
| 16 through 20 years of service----- | \$ 1,200. |
| 21 through 25 years of service----- | \$ 1,500. |
| 25 years of service and above----- | \$ 1,800. |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Approved: April 6, 2000

PATRICIA L. VARCA
Borough Clerk

ORDINANCE # 731

AN ORDINANCE REGULATING ACTIVITIES IN THE PUBLIC
PARKS AND PLAYGROUNDS LOCATED IN THE BOROUGH OF
OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW
JERSEY, AND FIXING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Regulations of activities in all public parks and playgrounds.

The following activities shall be prohibited in all parks and playgrounds located within the Borough:

- a. The possession or consumption of alcoholic beverages.
- b. The walking of any dog within the playground area of any park.
- c. The hitting of any type of golf ball.
- d. The disposal of trash or other forms of litter other than in garbage receptacles.

Section 2. Regulation of activities in the Community Center, Trinity and Blackberry Bay Parks.

- a. Rollerblading, skateboarding and the riding of bicycles on any tennis court shall be prohibited.
- b. The parking of motor vehicles along the roller hockey rink located in Blackberry Bay Park shall be prohibited at all times.

Section 3. Organized use of park and playground facilities.

The use of any public park or playground facilities by any group or organization shall be prohibited unless such use shall have been previously scheduled through and approved by the Recreation Committee of the Borough.

Section 4. Violations and penalties.

Any person who violates the provisions of this Ordinance shall be subject to a fine of twenty five dollars (\$25) for the first offense, fifty dollars (\$50) for a second offense and one hundred dollars (\$100) for each subsequent offense thereafter.

Section 5. Prior Ordinances

All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

Section 6. Invalidity.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

Section 7. Effective date.

This Ordinance shall take effect upon final passage and publication in accordance with law.

ADOPTED BY THE COUNCIL APRIL 17, 2000

PATRICIA L. VARCA
Borough Clerk

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 41B
(LICENSES AND PERMITS) OF THE CODE OF THE
BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AND PROVIDING FOR THE
LICENSING OF THE CONDUCT, OPERATION AND PLAYING OF
CERTAIN AMUSEMENT GAMES WITHIN THE BOROUGH OF
OCEANPORT AT AGRICULTURAL FAIRS AND EXHIBITIONS.

BE IT ORDAINED BY THE BOROUGH COUNCIL of the Borough of Oceanport, County of Monmouth and State of New Jersey that Chapter 41B of the Code of the Borough of Oceanport, County of Monmouth and State of New Jersey, be amended and supplemented as follows:

SECTION 1. PURPOSE

The Amusement Games Licensing Law (N.J.S.5:8-100. Et Seq.) provides that the owners and operators of any amusement games, as the term is defined by New Jersey law, must be licensed by the municipality within which such games are to be operated and conducted. The licensing requirement also applies to any organization wishing to hold an Agricultural Fair or Exhibition within any municipality (N.J.S. 5:8-121).

SECTION 2. DEFINITIONS.

As used herein:

- a. "Agricultural Fair or Exhibition" means an event conducted by an association organized and approved by the New Jersey Department of Agriculture for the participation in any or all State sponsored programs relative to the promotion of agriculture and the advancement of agriculture interests in New Jersey.
- b. "Amusement Game(s)" means any game of skill or chance or both meeting the definition of those terms set forth in N.J.S.5:8-101.
- c. "Commission" means the New Jersey Legalized Games of Chance Control Commission.
- d. "Licensee" means the holder of a license pursuant to this Ordinance.
- e. "Person" means an individual, sole proprietorship, partnership, corporation, joint venture, unincorporated association and the like.
- f. "Borough" means the Borough of Oceanport.

SECTION 3. LICENSE REQUIRED.

It shall be unlawful for any person to own and operate any amusement game at an Agricultural Fair or Exhibition within the Borough without having first obtained a license to do so from the Borough.

SECTION 4. LICENSE TERM: FEE

- a. All licenses shall be issued for the term set forth therein, but each license shall expire on December 31 of the year in which it is issued.
- b. There shall be a non-refundable license fee of \$5.00 for each license issued, but if the term of any Agricultural Fair or Exhibition exceeds 30 days, the non-refundable license fee shall be \$50.00.
- c. All license shall be issued by resolution of the Borough Council.

SECTION 5. APPLICATION FOR LICENSE; ISSUANCE.

- a. All applications for licenses shall be submitted to the Borough Clerk on forms supplied by the Commission.
- b. Applicants for the licenses shall be investigated by the Borough Police Department and they or their principals or shareholders may be subject to fingerprinting.

44
ORDINANCE # 732 continued

c. No license shall be issued to any applicant if any of the principals or shareholders associated therewith are not of good moral character or have been convicted of a crime, unless such disqualification resulting from such conviction has been removed by the Commission.

d. No license shall be issued for any premises licensed under any alcoholic beverage license.

SECTION 6. CONDUCT OF AMUSEMENT GAMES: HOURS

a. Amusement Games may be operated only on those days when there is conducted an Agricultural Fair or Exhibition within the Borough.

b. No Amusement Games may be operated prior to 10:00 a.m. and after 12 midnight on any day.

SECTION 7. INSURANCE REQUIRMENT.

Any association organized and approved to conduct an Agriculture Fair or Exhibition must obtain comprehensive liability insurance coverage satisfactory to the Borough which names the Borough as an additional insured therein. No Amusement Games licenses will be issued without proof of such insurance coverage.

SECTION 8. PENALTIES FOR VIOLATION.

a. Any Licensee who violates the provisions of this Ordinance, the Amusement Games Licensing Law or the rules and regulations of the Commission shall, after hearing before the Borough Council, be subject to having said license revoked or suspended.

b. In addition to the provision of subsection "a" hereof, an person convicted in Municipal Court of violating any of the provisins of this Ordinance shall be subject to a fine of \$200.00 for each day such violation continues or imprisonment for a term not to exceed 90 days or both.

SECTION 9. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such hold shall not affect the validity of the other provisions hereof.

SECTION 10. PRIOR INCONSISTENT ORDINANCES

All ordinance or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 11. EFFECTIVE DATE.

This ordinance shall take effect on the 1st day of June following final passage and publication as required by law, but shall expire two (2) years thereafter unless readopted by the Borough. Any license granted before the expiration of this ordinance will be unaffected by said expiration.

ADOPTED BY THE COUNCIL APRIL 17, 2000.

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #733
AN ORDINANCE TO AMEND AND SUPPLEMENT AN
ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT
VEHICLE AND TRAFFIC ORDINANCE" PASSED AND
APPROVED APRIL 1, 1993

BE IT ORDAINED by the Mayor and Council of the borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That this ordinance entitled the "Borough of Oceanport Vehicle and Traffic Ordinance" passed and approved on April 1, 1993, be and the same is hereby amended and supplemented as follows:

- A. that Section 64-33 Schedule I: No Parking is hereby amended by the addition of the following:

| Name of Street | Side | Location |
|-----------------------|-------------|--|
| Crescent Place | Both | From Eatontown Boulevard to Oceanport Avenue. |

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.
 3. This ordinance shall take effect following final passage and publication as provided by law.

Adopted by the Council 4-17-2000.

PATRICIA L. VARCA
BOROUGH CLERK

ORD. # 734

6-1-00

**ORDINANCE PROHIBITING POLITICAL
FUNDRAISING ON OR BY USE OF PUBLIC PROPERTY
WITHIN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

Be it Ordained by the Mayor and Council of the Borough of Oceanport, County of Monmouth

and State of New Jersey, as follows:

Section 1. Short Title

An ordinance banning the use of government buildings and equipment for political fundraising.

Section 2. Purpose

WHEREAS, our laws in New Jersey do not presently ban solicitation or acceptance of political contributions by public office holders and employees while in any room or building occupied in the discharge of official duties;

WHEREAS, solicitation and acceptance of political contributions in rooms and buildings occupied in the discharge of official municipal business undermines the efficiency of government by taking officials and employees away from the people's business, and leads to the appearance of improper influence of political contributions on government functions;

WHEREAS, prohibiting the solicitation and acceptance of political contributions in rooms and buildings occupied in the discharge of official duties will address these harms and leave open ample alternative venues for political fundraising;

WHEREAS, our laws in New Jersey do not presently recognize the misuse of public property for political fundraising as a distinct offense;

THEREFORE, it is accordingly found and determined that the municipality's interests in an independent and efficient government workforce and a government that is undermined by

neither the fact nor appearance of improper influence of political contributions on government decisions require the prohibition of political fundraising in rooms or buildings occupied in the discharge of official duties or through the use of public property;

Section 3. Definitions.

A. Candidate – The term “candidate” means (1) any individual seeking election to a public office of the federal, state, county, or municipal government, or school district or political party, and (2) any individual who shall have been elected or failed of election to any such office;

B. Political Contribution – The term “political contribution” means any loans and transfers of money or other things of value to any candidate, elected official, or representative of any political organization, or other commitments or assumptions of liability to make any such transfer. Political contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.

C. Political Organization – The term “political organization” means any two or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for federal, state, county, municipal or school board office or political party office. “Political organization” includes, but is not limited to, organizations defined in N.J.S.A. 19:44A-3 as a “political committee,” “joint candidates committee,” “continuing political committee,” “political party committee,” “candidate committee,” or “legislative leadership committee.”

D. Municipality – the term “municipality” means the government of the municipality, including any officer, department, board, commission, or agency, thereof.

E. Municipal Official, Employee and Appointee – the term “Municipal Official, Employee and Appointee” means any person holding elective municipal office or holding an appointed position in the municipal government, or in any agency, commission, board, or office thereof, whether the position is full time or part time, compensated or uncompensated; and any employee of municipal government or of any municipal agency, commission, board, or office thereof, whether the position is full time or part time.

F. Solicit – The term “solicit” means to ask for, by oral or written communication, a Contribution as that term is defined herein.

G. Public Property – The term “public property” means all personal property owned, leased, or controlled by the municipal government, including but not limited to vehicles, phones, fax machines, computers, stationery including municipal letterhead, postage, and other office equipment.

Section 4. General Regulations

A. Prohibition Against Soliciting or Accepting Political Contribution in Rooms or Buildings Occupied in the Discharge of Public Duties.

No municipal official, employee or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any political contribution for any candidate, elected official or political organization while in any room or building occupied in the discharge of official municipal business. This section shall include solicitation or acceptance of political contributions made over a private cell phone or by use of a private computer, if the person soliciting or accepting the political contribution, or using the cell phone or computer for purposes of soliciting or accepting the political contribution, is in any room or building occupied in the discharge of official municipal business.

ORDINANCE #734 CONTINUED

B. Prohibition Against Use of Public Property for Political Fundraising.

No municipal official, employee, or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any political contribution for any candidate, elected official or political organization, while utilizing public property.

C. Violation

Violation of any provision of this ordinance shall be punished by a period of community service not exceeding 90 days or imprisonment in the county jail for a term not exceeding 90 days or a fine not exceeding \$1,000.

Section 5: Severability and Effectiveness Clause

A. If any section of this ordinance is held to be void or invalid, it shall be severed and the other sections of the ordinance remain in force.

B. This ordinance shall take effect following final passage and publication as provided by law.

Approved:



GORDON N. GEMMA, MAYOR

Dated: June 1, 2000



ORDINANCE #735
AN ORDINANCE AUTHORIZING REPAIRS TO THE
BLACKBERRY BAY PARK PARKING LOT
UTILIZING \$4,450.18 FROM THE CAPITAL IMPROVEMENT
FUND FOR PARK IMPROVEMENTS;
\$36,225.00 FOR THE BALANCE OF ROAD IMPROVEMENTS
FOR THE 2000 ROAD PROGRAM FROM THE CAPITAL
IMPROVEMENT FUND FOR ROAD IMPROVEMENTS;
AND
\$21,008 FOR THE BALANCE OF THE NEW GENERATOR
FOR THE PORT-AU-PECK CHEMICAL HOSE FIRE COMPANY

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, New Jersey, as follows:

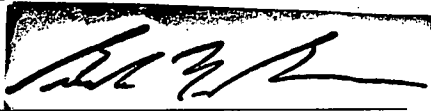
Section 1. The improvements described in Section 1 of this ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said improvements or purposes stated in Section 1, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes in the amount of \$4,450.18 for park improvement, \$36,225 for road improvements and \$21,008 for the balance of the generator for the Port-Au-Peck Fire House.

Section 2. The improvements and purposes for the financing hereby authorized is as follows:

| <u>Improvement or Purpose</u> | <u>Appropriation and Estimated Cost</u> |
|--|---|
| Repairs to Blackberry Bay Park Parking Lot Area | \$ 4,450.18 |
| Road Improvements for the 2000 Road Program | \$36,226.00 |
| Generator Balance | \$21,008.00 |

Section 3. This ordinance shall take effect upon final adoption and publication as required by law.

Approved:



GORDON N. GEMMA, MAYOR

Dated: September 7, 2000

ORDINANCE #736
AN ORDINANCE TO AMEND AND SUPPLEMENT AN
ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT
ALCOHOLIC BEVERAGES ORDINANCE" PASSED
AND APPROVED JANUARY 17, 1957.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That the ordinance entitled the "Borough of Oceanport Alcoholic Beverages Ordinance" passed and approved on January 17, 1957, be and the same is hereby amended and supplemented as follows:

A. That Section 22-1 In public and private places is amended and supplemented to read as follows:

It shall be unlawful for any person under the age of twenty-one (21) years to purchase, sell, consume or have in his or her possession any alcoholic beverage in or upon any public or private street, highway, park footway or other public or quasi-public place or in a private residence or upon any private property within the Borough of Oceanport, except as hereinafter provided or as may be permitted by state statute.

A. Nothing contained in this ordinance shall prohibit an underage person from consuming or possessing an alcoholic beverage on private property in connection with a religious observance, ceremony, or rite, or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

B. As used in this ordinance:

"Guardian" means a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.

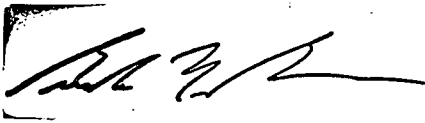
"Relative" means the underaged persons' grandparent, aunt or uncle, sibling or any other related by blood or affinity.

B. That Section 22-3 Violations and penalties shall be amended and supplemented to read as follows:

Any person violating any of the provisions of this Article I shall, upon conviction for a first offense, be punished by a fine of two hundred fifty (\$250.) dollars, and shall upon conviction for any subsequent offense, be punished by a fine of three hundred fifty (\$350.) dollars.

ORDINANCE #736

- A. In addition to the fine authorized herein, the Court may suspend or postpone for six months the driving privilege of any defendant convicted of violating the provisions of this Article I and may take such other action regarding the driving privileges of such defendant as shall be provided in N.J.S.A.40:48-1, as amended.
2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.
3. This ordinance shall take effect following final passage and publication as provided by law.

APPROVED:**GORDON N. GEMMA, MAYOR**

Dated: September 7, 2000

ORDINANCE #737
AN ORDINANCE REGULATING THE CONSTRUCTION
AND MAINTENANCE OF FENCES IN THE BOROUGH
OF OCEANPORT, COUNTY OF MONMOUTH AND
STATE OF NEW JERSEY AND PROVIDING PENALTIES
FOR THE VIOLATION THEREOF

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, as follows:

Section 1. Erection of Fences in Residential Zones

All fences erected in residential zones in the Borough of Oceanport, shall be subject to the following requirements.

- A. A fence permit shall be issued by the Zoning Officer for all fences, except living fences erected in the Borough. Except as herein provided in Subsection F, none of the other restrictions or provisions shall apply to living fences.
- B. No fence erected or around a residential lot or parcel of land shall exceed six (6) feet in height, except as provided in Section 68-23F (3) of the Zoning Ordinance. Pre-constructed fences of a standard six-foot height must be installed as close to the ground as possible. The total height of the fence will not include any slight undulations of the ground, provided that eighty (80%) of the fence does not exceed the maximum height of six (6) feet.
- C. No fence shall be erected in a front yard of any lot in a residential zone or along a public right-of-way unless the fence is less than fifty percent (50%) solid and is not more than four (4) feet in height, except as provided in Section 68-23F(3) of the Zoning Ordinance. Such fence shall be no closer than one (1) foot to the Borough road, Street and/or right-of-way.
- D. Fences must be constructed with the face or finished side away from the property and structural side toward the interior.
- E. Fences which are painted shall be pointed in only one (1) color harmonious with the surrounding area. Multicolored fences are prohibited.
- F. Living fences or screening shall be planted no closer than three (3) feet to the property line. Living fences shall be maintained in a neatly trimmed condition and shall not interfere with visibility on corner lots.
- G. Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.
- H. Fences higher than six (6) feet, such as those required around a tennis court, may be permitted in residential zone by the Planning Board. However, such a fence will be considered a structure, requiring a building permit, and shall meet minimum side and rear yard requirements for an accessory building.
- I. For fences required around a swimming pool, see Chapter 56, Swimming Pools.
- J. The following fences and fencing materials are specifically prohibited: barbed wire fences, short pointed fences, canvas, cloth, electrically charges fences, poultry netting, temporary fences such as snow fences, expandable fences and collapsible fences. Temporary fences may be permitted only during construction on a lot or parcel of land.
- K. Every fence shall be kept in alignment and shall be maintained in a safe, sound, upright condition and in accordance with the approved plan on file with the Zoning Officer.

ORDINANCE #737 CONTINUED

- L. All fences must be erected within the property lines and no fences shall be erected so as to encroach upon a public right-of-way or to interfere with vehicular or pedestrian traffic or with visibility on corner lots.
- M. If the Zoning Officer, upon inspection determines that any fence or portion of any fence is not being maintained in a safe, sound and upright condition, he shall notify the owner of such fence in writing of his findings and state briefly the reasons for such findings and order such fence or portion of such fence repaired or removed within ten (10) days of the date of the written notice. Each day the person fails to obey the order referred to above shall constitute a separate violation of this ordinance.
- N. No fence permit shall be issued by the Zoning Officer until the applicant provides the Zoning Officer with a set of plans or description of the proposed fence and a sketch or survey showing the proposed location of the fence. The proposed fence shall be constructed in conformity with the plans or description and shall be located as shown on the sketch or survey. If, the Zoning Officer, upon inspection, determines that any fence has not been constructed according to the plans or description or has not been located as shown on the sketch or survey, he shall notice the owner of such fence in writing of his findings and order such fence to be constructed according to the plans or description or order the fence to be located as shown on the sketch or survey. Such owner shall either remove the fence or comply with the order of the Zoning Officer within ten (10) days of the date of receipt of the written notice. Each day the owner fails to obey the order referred to above shall constitute a separate violation of this ordinance.
- O. In the event it becomes necessary for any existing fence to be either replaced or substantially repaired, such new fence shall be located in accordance with the provisions of this ordinance regardless of the location of the previously existing fence. For purposes of this ordinance, "substantial repair" shall mean the replacement of more than fifty (50) percent of the linear measurement of any fence. Notwithstanding the foregoing, nothing contained herein shall be construed so as to permit or allow the continuation of any fence in violation of the provisions of Section 68-23 F (3) Zoning Ordinance regardless of either the pre-existence of such fence or the length of time such fence shall have existed.
- P. Stone and masonry walls are not considered to be fences and are prohibited.

Section 2. Appeals.

Any person desiring to appeal a decision, order or judgment of the Zoning Officer shall appeal to the Planning Board any such final decision, order or judgment. Such appeal shall be made within ten (10) days of the service upon such person of the decision, order or judgment being appealed. The appeal to the Planning Board shall be made in the same manner as other appeals to the Planning Board from decisions of the Zoning Officer pursuant to N.J.S.A. 40:55D-70©.

Section 3. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. Violations and Penalties

Any person violating any provision of this ordinance or who fails to comply with the order, decision or judgment of the Zoning Officer, shall upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500) or by imprisonment for a term not exceeding

ORDINANCE #737 CONTINUED

ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation of this ordinance occurs or continues.

Section 5. Repealer.

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

Section 6. When Effective.

This ordinance shall take effect after final passage, adoption and publication according to law.

APPROVED: NOVEMBER 2, 2000

**PATRICIA L. VARCA
BOROUGH CLERK**

ORDINANCE #738**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED JULY 3, 1969.**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That the ordinance entitled the "Borough of Oceanport Zoning Ordinance" passed and approved on July 3, 1969, be and the same is hereby amended as follows:
 - A. That Section 69-23F(2) is hereby amended as follows:
 - (2) No fence shall be erected in a front yard of any lot in a residential zone or along a public right-of-way unless the fence is less than fifty percent (50%) solid and is not more than four (4) feet in height. Such fence shall be no closer than one (1) foot to the borough road, street and /or right-of-way in accordance with the definition of "streets" appearing in Section 68-4B of this ordinance.
 - B. That Section 68-2F(3) is hereby amended as follows:
 - (3) No fence shall be erected on any lot within twenty-five (25) feet from the intersection of two (2) or more public rights-of-way more than two and one-half (2-½) feet in height.
2. All provisions of the ordinance being amended herein which are not modified by this ordinance shall remain in full force and effect.
3. This ordinance shall take effect following final passage and publication as provided by law.

Approved 11/16/00.

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #739

**AN ORDINANCE TO AMEND AND SUPPLEMENT AN
ORDINANCE ENTITLED "THE BOROUGH OF OCEANPORT
UNIFORM CONSTRUCTION CODES ORDINANCE"
PASSED AND APPROVED MARCH 2, 1995.**

BE IT ORDAINED by the Mayor and Council of the Borough Oceanport, in the County of Monmouth and State of New Jersey as follows:

A. That Section 30-3 J is hereby amended and supplemented to read as follows:

J. Grading Plan application. For all applications to change, alter or modify the existing grade of any lot, a fee of \$100.00 per lot shall be charged. If such application is made in connection with an application for a building permit, the building permit shall not be issued until the grading plan application fee provided herein shall have been paid.

(1) When, in the opinion of the Construction Official and upon the recommendation of the Municipal Engineer, it appears that a grading plan application may require one or more site inspections subsequent to issuance of the building permit, the applicant shall deposit with the Construction Official in escrow a sum equal to the number of anticipated inspections at the rate of \$100.00 per inspection. A building permit shall not be issued until the escrow amount provided herein shall have been paid.

(2) In addition to the submission of a grading plan application as hereinabove provided, each applicant shall complete and submit with the application a plot plan review checklist upon forms to be provided by the Borough. Every plot plan shall be prepared in accordance with standard requirements to be provided by the Construction Official to each applicant. In the event any plot plan is rejected for non-compliance with such requirements, a fee of \$100.00 for each subsequent plot plan review shall be paid prior to issuance of any building permit.

2. All provisions of this ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

3. This ordinance shall take effect following final passage and publication as provided by law.

APPROVED 12/7/00

**PATRICIA L. VARCA
BOROUGH CLERK**

ORDINANCE #740
AN ORDINANCE ESTABLISHING THE OPEN
SPACE DEDICATED TRUST FUND AND
ASSIGNING VARIOUS POWERS AND DUTIES
TO THE PLANNING BOARD OF THE BOROUGH
OF OCEANPORT, COUNTY OF MONMOUTH AND
STATE OF NEW JERSEY IN CONNECTION WITH THE
ADMINISTRATION THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL, of the Borough of Oceanport, County of Monmouth and State of New Jersey as follows:

Section 1. The Open Space Dedicated Trust Fund.

There is hereby established an account which shall be known and designated as the "Open Space Dedicated Trust Fund" which shall be maintained in accordance with N.J.S.A. 40A:4-1 and 40A:5-1.

Section 2. Utilization of funds.

- A. The Open Space Dedicated Trust Fund shall be funded through the dedicated to the fund of an amount of one cent (\$0.01) per one hundred dollars (\$100.00) of assessed valuation of each annual tax levy commencing with the year 2000. The fund shall also be permitted to accept donations and testamentary bequests.
- B. The funds accumulated within the trust fund may be utilized only for costs incurred regarding the acquisition of land for open space purposes, the construction and maintenance of improvements thereon and thereto, and the acquisition of development rights in land to be utilized for active and passive recreation, including appraisal costs and other items of expense permitted by law in connection with the acquisition or as a down payment for the issuance of bonds for the same purpose at the discretion of the Borough Council. The Borough Council is to determine the properties or development rights to be acquired by gift, purchases or by eminent domain properties or development rights to be acquired by gift, purchases or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., within the financial constraints it establishes.

Section 3. Sale of Property

Any property acquired with the funds from the Open Space Dedicated Trust Fund may be leased or sold in accordance with any applicable law, provided the proceeds of said sale are deposited into the Open Space Dedicated Trust Fund, as set forth in Section 1 of this Ordinance.

**ORDINANCE #740
CONTINUED**

Section 4. Powers and Duties of the Planning Board.

- A. In accordance with the provisions of N.J.S.A. 40:55D-25(b)(3) of the Municipal Land Use Law of the State of New Jersey, the Planning Board of the Borough of Oceanport is hereby authorized and empowered to prepare a report recommending which parcels of land should be acquired in for and/or those parcels of land from which the Borough should acquire development rights only.
- B. The Planning Board shall submit to the Mayor and Borough Council a prioritized list of properties which it recommends that the Borough acquire and/or properties from which it recommends that development rights should be acquired. The Mayor shall review the list as submitted and make recommendations to the Borough Council as a determination as to which properties are to be acquired and shall state the amount of funds that should be made available for such acquisitions.
- C. After selection of the properties to be acquired referred to in Subsections A and B above. The Borough may proceed to acquire by gift, purchase or be eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., the identified parcels within the financial constraints established by the Borough Council.

Section 5. Reviews and Reports

In the event that no property is acquired under this ordinance for a period of five (5) consecutive years, then the Mayor and Borough Council shall review the activities of the Planning Board and the Mayor shall issue a report to the Borough Council with recommendations and conclusions concerning the reserve for open space acquisition.

Section 6. Prior Inconsistent Ordinances.

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

Section 7. Effective Date

This ordinance shall take effect upon final passage and publication as required by law.

APPROVED MARCH 1, 2001

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #741
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2001 unless otherwise stated, be and the same is hereby amended to read as follows:

A. ADMINISTRATIVE AND EXECUTIVE

| | |
|--------------------------|-----------|
| Mayor | \$ 1,500. |
| Councilpersons, each (6) | \$ 1,500. |
| Borough Clerk | \$63,000. |
| Deputy Borough Clerk | \$36,500. |

B. FINANCIAL ADMINISTRATION

| | |
|--------------------------------|-----------|
| Chief Financial Officer | \$30,830. |
| Accounts Payable/Payroll Clerk | \$15,600. |

C. BOARD OF ASSESSORS

| | |
|----------------------|-----------|
| Assessor | \$17,245. |
| Assessor's Assistant | \$ 1,200. |

D. COLLECTION OF TAXES

| | |
|------------------|-----------|
| Tax Collector | \$43,900. |
| Tax Office Clerk | \$23,145. |

E. MUNICIPAL COURT

| | |
|----------------------------------|-----------|
| Municipal Court Judge | \$14,050. |
| Court Administrator | \$20,000. |
| Court Assistant-Hourly rate \$15 | \$ 700. |
| Municipal Prosecutor | \$ 8,400. |
| Public Defender | \$ 2,500. |

ORDINANCE #741 CONTINUED**F. LEGAL SERVICES**

| | |
|------------------|-----------|
| Borough Attorney | \$ 3,500. |
|------------------|-----------|

G. PLANNING BOARD

| | |
|-------------------------|-----------|
| Planning Board Attorney | \$ 6,000. |
|-------------------------|-----------|

H. POLICE DEPARTMENT

| | |
|--|------------|
| Chief | \$83,800. |
| Captain | \$70,826.* |
| Detective Sergeant | \$68,374.* |
| Sergeants, each | \$67,411.* |
| Detective | \$64,786.* |
| Patrolman I (commencing fifth year of service and each year thereafter) | \$63,809.* |
| Patrolman II (commencing fourth year of service) | \$57,776.* |
| Patrolman III (commencing third year of service) | \$51,745.* |
| Patrolman IV (commencing second year of service) | \$45,712.* |
| Patrolman V (commencing first year of service) | \$37,722.* |
| Probationary Trainee | \$27,500.* |

*Indicates 2000 salary – contract presently under negotiations

Dispatchers:

| | |
|--|-----------|
| Third year of employment and each year thereafter | \$35,520. |
| Second year of employment | \$32,775. |
| First year of employment | \$30,200. |

| | |
|------------------------------|-----------|
| Records Clerk | \$ 3,390. |
| School Crossing Guards, each | \$ 7,416. |

I. PUBLIC WORKS & RECYCLING DEPARTMENT

| | |
|--|----------------------|
| Public Works Administrative Consultant | \$ 1,200. |
| Superintendent | \$40,000. |
| Foreman | \$36,000. |
| Helper I | \$30,085. |
| Helper II (A) | \$23,000 - \$25,000. |
| Helper II (B) | \$23,000. |
| Helper III | \$22,000. |

J. RECREATION AND EDUCATION

| | |
|---|-----------|
| Recreation Coordinator | \$ 5,000. |
| Action Camp Director | \$ 2,000. |
| Recreation Aides & Assistants, total | \$ 9,650. |
| Building Custodian | \$ 1,555. |
| Community Center/Old Wharf House reservations | \$ 950. |
| Library Aide | \$ 1,800. |

ORDINANCE #741 CONTINUED

| | |
|----------------------------|-----------|
| Construction Official | \$18,675. |
| FEMA Application Prep Work | \$ 1,600. |
| Building Inspector | \$10,120. |
| Plumbing SubCode Official | \$ 6,550. |
| Housing Inspector | \$ 3,570. |
| Fire SubCode Official | \$ 3,000. |
| Fire Marshal | \$ 3,000. |
| Building SubCode Official | \$ 4,980. |
| Zoning Enforcement Officer | \$ 4,400. |
| Casual Labor | \$ 3,744. |

K. BOARD OF HEALTH

| | |
|-----------|-----------|
| Registrar | \$ 1,220. |
|-----------|-----------|

L. EMERGENCY MANAGEMENT

| | |
|----------------------------------|-----------|
| Emergency Management Coordinator | \$ 2,630. |
|----------------------------------|-----------|

M. CASUAL LABOR

\$8.00 - \$20.00 per hour

N. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 2001.

| | |
|-------------------------------------|-----------|
| 6 through 10 years of service----- | \$ 600. |
| 11 through 15 years of service----- | \$ 900. |
| 16 through 20 years of service----- | \$ 1,200. |
| 21 through 25 years of service----- | \$ 1,500. |
| 25 years of service and above----- | \$ 1,800. |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

APPROVED 4-5-01

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #742
BOND ORDINANCE APPROPRIATING \$575,000.00
AND AUTHORIZING THE ISSUANCE OF \$403,745. BONDS OR NOTES
OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT IN THE
COUNTY OF MONMOUTH, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore, and amounting in the aggregate to \$575,000. including the aggregate sum of \$21,255. as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and not available therefore by virtue of provision in a previously adopted budget or budgets of the Borough of down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$575,000. appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$403,745. pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes negotiable notes of the Borough in a principal amount not exceeding \$403,745. are hereby authorized to be issued pursuant to and within the limitations prescribed by said law. All such notes shall mature at such times as may be determined by the chief financial officer or such other financial officer designated by the resolution for this purpose (both being hereafter referred to in this section as the "chief financial officer"); provided that no notes shall mature later than one year from its date. The notes shall bear interest at such rate or rates as may be determined by him and his signature upon the notes shall be conclusive as to such determination. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof for payment therefore. Such officer is authorized and directed to report in writing to the governing body of the Local Unit at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser. Such officer is further directed to determine all matters in connection with said notes not determined by this ordinance and his signature upon said notes shall be conclusive as to such determination. All notes issued hereunder may be renewed from time to time for periods of not exceeding one (1) year for the time period specified in and in accordance with the provisions of N.J.S. 40A: 2-8(a).

Section 3. The improvements hereby authorized and the purpose for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for such purpose, is as follows:

Ordinance #742 Continued

| <u>Improvement or Purpose</u> | <u>Appropriations and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> |
|---|--|---|
| (1) Acquisition of fire truck | \$77,384.00 | \$73,514.00 |
| (2) Reconstruction of Monmouth Boulevard | 55,000.00 | 52,250.00 |
| (3) Reconstruction of Sommers Park bulkhead | 10,000.00 | 9,500.00 |
| (4) Acquisition of Police Department computers | 7,500.00 | 7,125.00 |
| (5) Acquisition of First Aid Equipment | 6,600.00 | 6,270.00 |
| (6) Acquisition of Public Works Department Equipment. | 80,000.00 | 76,000.00 |
| (7) Installation of soccer field sprinkler system at Blackberry Bay Park | 20,000.00 | 19,000.00 |
| (8) Repair/replacement of roofs on public buildings | 46,000.00 | 43,700.00 |
| (9) Reconstruction of various roads | 272,516.00 | 116,386.00 |
| | <u>\$575,000.00</u> | <u>\$403,745.00</u> |

the excess of the appropriation made for the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as above stated, is the amount of the said down payment for said purpose. All funds to be received from the Program shall be used to satisfy the obligations incurred pursuant to the terms of this Ordinance.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- a. The said purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough may lawfully acquire to make as a general improvement, and no part of the cost thereof has been or shall be specially assess on property specially benefited thereby.
- b. The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration that respective amount of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by the bond ordinance is 15 years.
- c. The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete duplicate hereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$403,745. and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.
- d. Amounts not exceeding \$100,936. in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate thereof.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be

Ordinance #742 Continued:

obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 6. The debt authorized by this bond ordinance may be satisfied by monies received from the sale of municipal property.

Section 7. This bond ordinance shall take effect 20 days after the first publication after final adoption as provided by said Local Bond Law.

Approved 4-5-01

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #743

**AN ORDINANCE AUTHORIZING \$9,000 FOR THE BALANCE OF PUBLIC
WORKS EQUIPMENT FROM THE CAPITAL
IMPROVEMENT FUND**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, New Jersey, as follows:

Section 1. The improvements described in Section 1 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said improvement or purpose stated in Section 1, there are hereby appropriated the sum of money therein stated as the appropriation made for said purchase in the amount of \$9,000 for the balance necessary for the purchase of equipment for the Public Works Department.

Section 2. The improvements and purposes for the financing hereby authorized is as follows:

| <u>Improvement or Purpose</u> | <u>Appropriation and Estimated Cost</u> |
|--------------------------------|---|
| Public Works equipment balance | \$ 9,000.00 |

Section 3. This ordinance shall take effect upon final adoption and publication as required by law.

APPROVED BY COUNCIL 5/4/01

**PATRICIA L. VARCA
BOROUGH CLERK**

ORDINANCE #744
AN ORDINANCE AUTHORIZING \$20,000 FOR PARK IMPROVEMENTS AT
EVERGREEN PARK FROM THE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, New Jersey, as follows:

Section 1. The improvements described in Section 1 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said improvement or purpose stated in Section 1, there are hereby appropriated the sum of money therein stated as the appropriation made for said park improvements in the amount of \$20,000 for the replacement of the tot lot equipment for Evergreen Park.

Section 2. The improvements and purposes for the financing hereby authorized is as follows:

| <u>Improvement or Purpose</u> | <u>Appropriation and Estimated Cost</u> |
|--|---|
| Evergreen park improvements to the tot lot | \$20,000.00 |

Section 3. This ordinance shall take effect upon final adoption and publication as required by law.

Passed and approved by the Mayor and Council 6/7/01

PATRICIA L. VARCA
BOROUGH CLERK

**ORDINANCE #745
AN ORDINANCE AUTHORIZING \$20,000 FOR THE BALANCE
OF THE ROAD IMPROVEMENT PROGRAM FROM THE CAPITAL
IMPROVEMENT FUND**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, New Jersey, as follows:

Section 1. The improvements described in Section 1 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said improvement or purpose stated in Section 1, there are hereby appropriated the sum of money therein stated as the appropriation made for the balance of the road improvement program in the amount of \$20,000.

Section 2. The improvements and purposes for the financing hereby authorized is as follows:

| <u>Improvement or Purpose</u> | <u>Appropriation and Estimated Cost</u> |
|-------------------------------|---|
| Balance of Road Program | \$ 20,000.00 |

Section 3. This ordinance shall take effect upon final adoption and publication as required by law.

Approved by Council 6/21/01

**PATRICIA L. VARCA
BOROUGH CLERK**

ORDINANCE #746
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF
CERTAIN BOROUGH OFFICIAL" PASSED
AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1, Paragraphs H and N of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2001 unless otherwise stated, be and the same is hereby amended to read as follows:

H. POLICE DEPARTMENT

| | | |
|---|-----------|--------------|
| Chief | | \$83,800. |
| Captain | | \$74,013. |
| Detective Sergeant | | \$71,451. |
| Sergeants, each | | \$70,444. |
| Detective | | \$67,701. |
| | 2001 New* | 2001 Present |
| Patrolman I (commencing 5 th year of Service and each year thereafter) | \$66,680. | \$66,680. |
| Patrolman II (commencing 4 th year of service) | \$58,944. | \$60,376. |
| Patrolman III (commencing 3 rd year of service) | \$51,208. | \$54,074. |
| Patrolman IV (commencing 2 nd year of service) | \$43,472. | \$47,749. |
| Patrolman V (commencing 1 st year of service) | \$35,736. | \$39,419. |
| Probationary Patrolman VI | \$28,000. | |

*New 2001 salaries apply to all Patrolmen hired after January 1, 2001 and thereafter.

Dispatchers:

| | |
|---|-----------|
| Third year of employment and Each year thereafter | \$35,520. |
| Second year of employment | \$32,775. |
| First year of employment | \$30,200. |
| Records Clerk | \$ 3,390. |
| School Crossing Guards, each | \$ 7,416. |

Ordinance #746
continued

N. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year). This provision shall be retroactive to January 1, 2001

| | |
|--------------------------------|----------|
| 6 through 10 years of service | \$ 900. |
| 11 through 15 years of service | \$1,350. |
| 16 through 20 years of service | \$1,800. |
| 21 through 25 year of service | \$2,250. |
| 26 years of service and above | \$2,700. |

SECTION 2. All ordinance and resolution or parts of ordinances and resolutions inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Passed and approved by the Mayor and Council September 20, 2001

PATRICIA L. VARCA
BOROUGH CLERK

71

ORDINANCE #747

**AN ORDINANCE REPEALING THE ORDINANCE ENTITLED
"THE POLICE DEPARTMENT ORDINANCE OF THE
BOROUGH OF OCEANPORT" PASSED AND APPROVED
ON DECEMBER 1, 1938; SUBSTITUTING THEREFOR
AN ORDINANCE PROVIDING FOR THE ORGANIZATION,
MAINTENANCE, REGULATION AND CONTROL OF THE
POLICE DEPARTMENT, AND PROVIDING FOR THE
ADOPTION OF RULES AND REGULATIONS**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That the ordinance entitled "The Police Department Ordinance of the Borough of Oceanport" passed and approved on December 1, 1938, together with all subsequent amendments thereto, be and the same are hereby repealed.
2. That the following ordinance be and the same is hereby enacted:

Section 16-1. Purpose

The purpose of this ordinance is to provide for the organization, maintenance, regulation and control of the Police Department and to provide for the adoption of rules and regulations relating to the organization and operation of the Police Department.

Section 16-2. Appropriate Authority

The Borough Council is designated as the Appropriate Authority as provided in the New Jersey Statutes. The appropriate Authority shall be responsible for the overall performance of the Police Department. The Appropriate Authority shall adopt and promulgate Rules and Regulations for the government of the Police Department and for the discipline of its members. (N.J.S.A. 40A:14-118)

Section 16-3. Duties of the Police Department

The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough of Oceanport; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies and provide training for the efficiency of its members and officers. (N.J.S.A. 40A:14-152)

ORDINANCE # 747 continued

16-4. Chief of Police

The Chief of Police shall be the head of the Police Department and shall be directly responsible to the Appropriate Authority for its efficiency and day to day operations. Pursuant to policies established by the Appropriate Authority, the Chief of Police shall:

- A. Administer and enforce the Rules and Regulations of the Police Department and any special emergency directive for the disposition and discipline of the Department and its members and officers;
- B. Have, exercise and discharge the functions, powers and duties of the Police Department;
- C. Prescribe the duties and assignments of all members and officers;
- D. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief's direction and control; and
- E. Report at least monthly to the Appropriate Authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be requested by the Appropriate Authority. (N.J.S.A. 40A:14-118)

16-5. Discipline

No member or officer of the Police Department shall be suspended, removed, fined, or reduced in rank for any cause other than for incapacity, misconduct, or disobedience as provided in the New Jersey Statutes and the Police Departments Rules and regulations. (N.J.S.A. 40A:14-118)

16-6. Positions and Appointments

A. Ranks and Positions of the Department

The following ranks and the number of positions at each rank are authorized for the police department:

- | | | |
|----|--------------------|-----------------|
| 1. | Chief of Police | One Position |
| 2. | Captain of Police | One Position |
| 3. | Detective Sergeant | One Position |
| 4. | Sergeant | Four Positions |
| 5. | Detective | One Position |
| 6. | Patrolman | Seven Positions |

B. Appointments

The Mayor and Council shall appoint the members of the Police Department in accordance with the requirements of New Jersey Statutes. No Person shall be appointed to the Police Department who is not qualified as provided in said Statutes. The Mayor and Council may also

ORDINANCE #747 Continued

require that an applicant for appointment to the Police Department shall successfully complete a physical, mental and psychological examination. (N.J.S.A. 40A:14-122 and N.J.S.A. 40-A:14-127) Each policeman shall be first employed for a probationary term of at least six months so that his fitness for the duties he is to perform may be determined before he is permanently attached to the Police Department. These periods of probationary employment shall be termed "probationary periods". A probationary policeman so employed shall be deemed a "probationer" and may be dropped from the rolls or discharged at any time during such probationary period without notice and without hearing. The Mayor and Council may at any time prior to the expiration of the probationary period of employment appoint such probationary member of the Police Department as a permanent member of the Police Department by Officer resolution. The continued employment of any probationary policeman after the expiration of his probationary period of employment shall be deemed a permanent appointment to the regular force.

C. Special Officers

The Mayor and Council may appoint from time-to-time special law enforcement officers in accordance with New Jersey Statutes for terms not exceeding one year. They shall possess and exercise all the powers and duties provided by said statutes during their term in office, but shall not be continued as regular members of the Police Department and shall not be entitled to tenure. The Police Chief may authorize special law enforcement officers when on duty to exercise the same powers and authority as regular members of the Police Department, including the carrying of firearms and the power of arrest. (N.J.S.A. 40A:14-146.8 et seq.)

D. Probationary Trainee.

- a. Upon the recommendation of the Chief of Police, the Borough Council may approve the appointment of one or more Probationary Trainee officers whenever it shall appear that a like number of permanent officer positions are likely to become vacant due to retirement or otherwise. Each such Probationary Trainee shall have successfully completed a training course at a Police Training Commission approved facility and possess at least a Class A certification prior to appointment.
- b. Prior to appointment as a Probationary Trainee, each prospective appointee shall submit to and successfully pass such physical and psychological examinations as may be required by law.

ORDINANCE 747 continued

- c. No probationary Trainee shall serve for more than ten months following the date of appointment unless such term is extended upon the recommendation of the Chief of Police and approved by the Borough Council. Unless so extended, the appointment of a probationary Trainee shall automatically terminate at the expiration of ten months.
- d. If a probationary Trainee shall serve for a period of at least six months and thereafter be appointed as a permanent member of the Police Department, the probationary period requirement of section 16-6.A. may be waived as to such appointee upon the recommendation of the Chief of Police and approval by the Borough Council.

Section 16-7. Rules and Regulations

The Mayor and Borough Council shall adopt by resolution rules and regulations relating to the organization and operation of the Police Department, which rules and regulations may, from time to time, be amended and modified by further resolution.

Section 16-8. Repealer

All ordinances or parts of ordinances which shall be inconsistent with the provisions of this ordinance are hereby repealed.

Section 16-9. When Effective

This ordinance shall take effect immediately upon its final passage and publication according to law, except where otherwise noted herein.

APPROVED BY COUNCIL DECEMBER 6, 2001

**PATRICIA L. VARCA
BOROUGH CLERK**

ORDINANCE #748
AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "BOROUGH OF
OCEANPORT ZONING ORDINANCE' PASSED
AND APPROVED ON JULY 3, 1969.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Borough of Oceanport Zoning Ordinance" passed and approved on July 3, 1969, be amended and supplemented as follows:

1. Section 68-4 **Word usage; terms defined** is amended and supplemented by the addition of the following:

CEMETERY- Any land or place dedicated for use, used or intended to be used for the interment of the human dead in the ground, in a mausoleum or crypt and a crematory located in the cemetery and a columbarium for cinerary interments, or lands held for burial purposes.

COLUMBARIUM- Structure or room or other space in a building or structure, containing niches for permanent inurnment of cremated human remains.

CREMATION- The reduction of the body of a deceased person to incinerated remains.

CREMATORY- A body or structure containing one or more furnaces or retorts intended for the reduction of bodies of deceased persons to incinerated remains.

CRYPT- A space in a mausoleum used or intended to be used above or under ground, to entomb human remains.

HUMAN REMAINS OR REMAINS- The body of a deceased person or the dismembered part of a body of a living person includes cremated remains.

INTERMENT- The lawful disposition of human remains by burial, entombment or inurnment.

MAUSOLEUM- A permanent structure or building used for the entombment of human remains in crypts, vaults or niches. A public mausoleum shall be distinguished from a private mausoleum in that it is constructed by or for a cemetery companion lands owned exclusively by it, and not by a lot owner, for the sale to the general public of crypts or niches therein for interment purposes. A private mausoleum is one which is constructed by or for a lot owner on interment space owned by him in the cemetery for the interment of such persons as he may have the right to designate. **A private mausoleum shall not exceed an area of 500 square feet.**

2. Section 68-23 **Miscellaneous uses** is amended and supplemented by the addition of the following.

I. **Cemeteries.**

Cemeteries may be permitted, subject to the issuance of a special exception permit, in the district(s) designated, provided that compliance with the following standards are achieved:

- (1) Minimum lot area: 20 acres
- (2) Minimum lot width: 500 feet
- (3) Minimum lot depth: 1,000 feet
- (4) Minimum building setbacks:
 - (a) Front yard setback: 80 feet
 - (b) Rear yard setback: 75 feet
 - (c) Side yard setback: 50 feet
 - (d) Distance to environmentally sensitive property*: 50 feet
 - (e) Any crematory building or structure shall be located not less than 700 feet from the nearest residential property line.

*"Environmentally sensitive property" shall be that designated by the New Jersey Department of Environmental Protection as freshwater wetlands or land within the 100 - year flood plain and areas having steep slopes in excess of 10%.

- (5) Maximum height:
 - (a) Family and individual mausoleums, columbariums and other interment structures: 15 feet.
 - (b) Public mausoleums, columbariums and other interment structures: 35 feet and two stories.
 - (c) Caretaker's residence, offices, storage and maintenance buildings: 35 feet and two stories.
 - (d) Crematory and all other permitted buildings: 2 stories/30 feet flat roof, 2 stories/35 feet, all other roofs.
- (6) Maximum building and impervious coverage: 35 percent.
- (7) Maximum building length: 100 feet (the building elevation viewed from and parallel to any public street: provided, however, that no building shall have an area in excess of 5,000 square feet.
- (8) Building clusters:
 - (a) Buildings separated by distances of less than 200 feet shall be deemed clustered and the maximum width of any building cluster shall be 470 feet. Such maximum width shall be the total distance measured across the elevations of buildings within the cluster viewed from any public street.
 - (b) The minimum distance between building clusters shall be 450 feet
 - (c) The minimum distance between a building cluster and any other freestanding building shall be 150 feet.
 - (d) Private mausoleums, regardless of number, shall not be subject to the regulations regarding building clusters.
- (9) A maximum of two identifications signs may be permitted. Each sign shall be in compliance with the requirements of Section 68-24 A (3).
- (10) Landscaping planting shall be provided around buildings, parking areas and as otherwise required by this ordinance. Such planting shall consist of non-deciduous material at least six (6) feet in height and no more than 40% open.

- (11) A minimum of five-foot wide continuous buffer shall be provided where a cemetery abuts existing residential uses. No public or private mausoleum, grave, headstone, marker or other building or structure shall be erected within or upon the buffer area.
- (12) The disposal or placement of cremated human remains (also known as cremains) anywhere within the cemetery property, other than in suitable containers in compliance with all applicable laws, rules and regulations, is expressly prohibited.
- (13) Public access and use of the facilities shall not commence before 8:00 A.M. and must terminate by not later than 8:00 P.M., Monday through Friday and from 9:00 A.M. to 5:00 P.M. Saturday and Sunday. The operation of a crematory shall not commence before 8:00 A.M. and shall terminate not later than 5:00 P.M. on any day.
- (14) Ancillary structures: Any above or below ground tanks, sheds, garages, trailer or other structures used along with or to otherwise service the special exception use shall comply with the bulk requirements and other restrictions as set forth in Section 68-23 of this ordinance.
- (15) Lighting facilities provided shall be arranged in a manner which will protect public roadways and neighboring properties from unreasonable direct glare or hazardous interference of any kind. Lighting facilities shall be required where deemed necessary for the safety and convenience of residents.
- (16) As a condition of site plan approval, the operator of any crematory shall be required to have the stack emissions tested at three-month intervals to insure that such emissions do not exceed the applicable requirements set by the Department of Environmental Protection for particulate matter and by the United States Environmental Protection Agency for mercury. A written report of such tests shall be furnished to the Municipal Clerk.

3. Section 68-21D **Table 1: Off-Street Parking and Loading Requirements** is amended and supplemented by the addition of the following:

| | |
|------------|--|
| Cemeteries | As per the recommendations of the Municipal Engineer using Institute of Traffic Engineers standards. |
|------------|--|

4. Section 69-21 E **Off-Street Loading** and F **Joint facilities for parking or loading** are amended and supplemented by the addition of the following:

Parking and loading facilities shall be provided as per the recommendations of the Municipal Engineer using Institute of Traffic Engineers standards.

5. Schedule I **Permitted Land Uses for R and V-C Districts** is amended and supplemented by the addition of the following:

Special Exception Uses
Cemetery in R-2 District only

4. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.
5. This ordinance shall take effect following final passage and publication as provided by law.

APPROVED: DECEMBER 20, 2001

PATRICIA L. VARCA
BOROUGH CLERK

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"THE BOROUGH OF OCEANPORT PERSONNEL POLICY"
PASSED AND APPROVED ON MARCH 20, 1986**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1} That the ordinance entitled the "Borough of Oceanport Personnel Ordinance" passed and approved on March 20, 1986 be and the same is hereby amended and supplemented as follows:

A. That Sections 26A (1) and (2), 32B, 32C and 32D are hereby amended to read as follows:

26A Health benefits plan

- (1) Any participant shall have the right to upgrade their plan coverage at their own cost.
- (2) In addition to the medical benefits provided for employees retiring with twenty-five (25) years of service or more, the Borough shall provide medical benefits (hospitalization and major medical insurance) for surviving spouses of retired employees who die, until the surviving spouse attains the age of 65. In the event the surviving spouse shall remarry while receiving medical benefits as herein provided, all such benefits shall terminate upon such marriage.

32 Pay schedule

- (B) Biweekly payroll: All full-time employees, all members of the Police Department and School Crossing Guards, Plumbing Inspector, Building Inspector, Building Sub-Code Official, Control Person, Construction Official, Court Administrator and Recreation Coordinator.
- (C) Monthly payroll: Tax Assessor, Housing Inspector, Prosecutor and all other employees.
- (D) Quarterly payroll: Municipal Court Judge, Fire Marshal, Emergency Management Coordinator, Community Center/Old Wharf Scheduler, Mayor and Council.

2} All provisions of the "Borough of Oceanport Personnel Policy Ordinance" being amended and supplemented herein which are not modified by this ordinance shall remain in full force and effect.

3} This ordinance shall take effect upon final passage and publication as provided by law.

Approved: February 7, 2002

GORDON N. GEMMA, MAYOR

Dated: February 7, 2002

**AN ORDINANCE PURSUANT TO LOCAL CAP LAW CONCERNING
THE 2002 MUNICIPAL BUDGET OF THE BOROUGH OF
OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF
NEW JERSEY**

WHEREAS, the Local Government CAP Law, N.J.S. 40a:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, P.L. 1986, C. 203 amended the Local Government CAP Law to provide that a municipality may, in any year in which the index rate is less than 5%, increase its final appropriations by a percentage rate greater than the index rate, but not to exceed the 5% rate as defined in the amendatory law, when authorized by ordinance; and

WHEREAS, the index rate for 2002 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5%; and

WHEREAS, the Mayor and Council of the Borough of Oceanport in the County of Monmouth finds it advisable and necessary to increase its 2002 budget by more than 2.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and

WHEREAS, the Mayor and Council of the Borough of Oceanport hereby determines that a 2.5% increase in the budget for said year, amounting to \$89,375.42 in excess of the increase in final appropriations otherwise permitted by the Local Government CAP Law, is advisable and necessary.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2002 budget year, the final appropriations of the Borough of Oceanport shall, in accordance with this ordinance and P.L. 1986, C. 203, be increased by 2.5%, amounting to \$3,753,767.84, and that the 2002 municipal budget for the Borough of Oceanport be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction, and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

#751

**BOND ORDINANCE APPROPRIATING \$527,900.
AND AUTHORIZING THE ISSUANCE OF \$359,005.
BONDS OR NOTES OF THE BOROUGH FOR
VARIOUS IMPROVEMENTS OR PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE
BOROUGH OF OCEANPORT, IN THE COUNTY
OF MONMOUTH, NEW JERSEY**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore, and amounting in the aggregate to \$527,900. including the aggregate sum of \$18,895 as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and not available therefore by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$527,900. appropriations not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$359,005. pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$359,005. are hereby authorized to be issued pursuant to and within the limitations prescribed by said law. All such notes shall mature at such times as may be determined by the chief financial officer or such other financial officer designated by the resolution for this purpose (both being hereafter referred to in this section as the "chief financial officer"); provided that no notes shall mature later than one year from its date. The notes shall be conclusive as to such determination. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof for payment therefore. Such officer is authorized and directed to report in writing to the governing body of the Local Unit at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser. Such officer is further directed to determine all matters in connection with said notes not determined by this ordinance and his signature upon said notes shall be conclusive as to such determination. All notes issued hereunder may be renewed from time to time for periods of not exceeding one (1) year for the time period specified in and in accordance with the provision of N.J.S. 40A:2-8(a).

Section 3. The improvements hereby authorized and the purposes for the

financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purpose, and the estimated maximum amount of bonds or notes to Be issued for such purpose, is as follows:

| <u>Improvements or Purpose</u> | <u>Appropriations and Estimated Cost</u> | <u>Capital Improvement Fund</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> |
|--------------------------------|--|---|---|
| 1. Sommers Park Sea Wall | 10,000.00 | 500.00 | 9,500.00 |
| 2. Fire Truck | 78,000.00 | 3,900.00 | 74,100.00 |
| 3. Municipal Roofs | 55,900.00 | 2,795.00 | 53,105.00 |
| 4. Roads Reconstruction* | 265,000.00 | 5,750.00 | 109,250.00 |
| 5. Police Computers | 5,000.00 | 250.00 | 4,750.00 |
| 6. First Aid-OSHA Equip. | 6,000.00 | 300.00 | 5,750.00 |
| 7. Fire-Air Packs & Gear | 32,000.00 | 1,600.00 | 30,400.00 |
| 8. Pick-Up Truck | 32,000.00 | 1,600.00 | 30,400.00 |
| 9. Parks Equipment | <u>44,000.00</u> | <u>2,200.00</u> | <u>41,800.00</u> |
| | \$527,900.00 | \$18,895.00 | \$385,005.00 |

*Includes \$150,000.00 State Grant

The excess of the appropriation made for the improvements or purposes aforesaid over the estimated amount of the bonds or notes to be issued therefore, as above stated, is the amount of the said down payment for said purpose. All funds to be received from the Program shall be sued to satisfy the obligations incurred pursuant to the terms of this Ordinance.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough ay lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by the bond ordinance is 15 years.

- (c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete duplicate hereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$359,005.00 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.
- (d) Amounts not exceeding \$67,735. in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate thereof.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of principal and of interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 6. The debt authorized by this bond ordinance may be satisfied by monies received from the sale of municipal property.

Section 7. This bond ordinance shall take effect 20 days after the final publication after final adoption as provided by said Local Bond Law.

Approved by Council 3/21/02

PATRICIA L. VARCA, RMC
Borough Clerk

ORDINANCE #752
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2002 unless otherwise stated, be and the same is hereby amended to read as follows:

A. ADMINISTRATIVE AND EXECUTIVE

| | |
|--------------------------|-----------|
| Mayor | \$ 1,500. |
| Councilpersons, each (6) | \$ 1,500. |
| Borough Clerk | \$65,850. |
| Deputy Borough Clerk | \$39,500. |

B. FINANCIAL ADMINISTRATION

| | |
|--------------------------------|----------|
| Chief Financial Officer | \$32,225 |
| Accounts Payable/Payroll Clerk | \$17,680 |

C. BOARD OF ASSESSORS

| | |
|----------------------|-----------|
| Assessor | \$18,025. |
| Assessor's Assistant | \$ 1,200. |

D. COLLECTION OF TAXES

| | |
|------------------|-----------|
| Tax Collector | \$45,880. |
| Tax Office Clerk | \$24,200. |

E. MUNICIPAL COURT

| | |
|----------------------------------|-----------|
| Municipal Court Judge | \$14,500. |
| Court Administrator | \$25,000. |
| Court Assistant-Hourly rate \$15 | \$ 1,000. |
| Municipal Prosecutor | \$ 8,400. |
| Public Defender | \$ 2,500. |

Ordinance #752 continued**F. LEGAL SERVICES**

Borough Attorney \$ 3,500.

G. PLANNING BOARD

Planning Board Attorney \$ 5,000.

H. POLICE DEPARTMENT

| | | |
|--------------------|--|-----------|
| Chief | | \$87,575. |
| Captain | | \$77,681. |
| Detective Sergeant | | \$75,681. |
| Sergeants, each | | \$73,681. |
| Detective | | \$71,681. |

02 New*

02 Present

| | | |
|--|-----------|-----------|
| Patrolman I (commencing fifth year of service and each year thereafter) | \$69,681. | \$69,681. |
| Patrolman II (commencing fourth year of service) | \$61,579. | \$63,093. |
| Patrolman III (commencing third year of service) | \$53,512. | \$56,507. |
| Patrolman IV (commencing second year of service) | \$45,428. | \$49,919. |
| Patrolman V (commencing first year of service) | \$37,433. | \$41,193. |
| Probationary Trainee | \$29,260. | |

*New 02 salaries apply to all Patrolmen hired after 01/01/01 and thereafter

Dispatchers:

| | |
|--|-----------|
| Third year of employment and each year thereafter | \$37,125. |
| Second year of employment | \$34,250. |
| First year of employment | \$31,560. |

Records Clerk \$ 3,550.

School Crossing Guards, each \$ 7,750.

I. PUBLIC WORKS & RECYCLING DEPARTMENT

| | |
|----------------|-----------|
| Superintendent | \$44,200. |
| Foreman | \$39,000. |

| | |
|---------------|-----------|
| Helper I | \$30,000. |
| Helper II (A) | \$24,050. |
| Helper II (B) | \$24,050. |
| Helper III | \$23,000. |

Ordinance #752 continue**J. RECREATION AND EDUCATION**

| | |
|---|-----------|
| Recreation Coordinator | \$ 7,500. |
| Action Camp Director | \$ 2,500. |
| Recreation Aides & Assistants, total | \$11,000. |
| Building Custodian | \$ 1,610. |
| Community Center/Old Wharf House reservations | \$ 1,000. |
| Library Aide | \$ 1,800. |
| Construction Official | \$20,360. |
| FEMA Application Prep Work | \$ 1,600. |
| Building Inspector | \$ 9,990. |
| Plumbing SubCode Official | \$ 6,300. |
| Housing Inspector | \$ 4,100. |
| Fire SubCode Official | \$ 3,450. |
| Fire Marshal | \$ 3,450. |
| Building SubCode Official | \$ 5,480. |
| Zoning Enforcement Officer | \$ 4,800. |
| Control Person | \$ 7,020. |

K. BOARD OF HEALTH

| | |
|-----------|-----------|
| Registrar | \$ 1,275. |
|-----------|-----------|

L. EMERGENCY MANAGEMENT

| | |
|----------------------------------|-----------|
| Emergency Management Coordinator | \$ 2,750. |
|----------------------------------|-----------|

M. CASUAL LABOR \$8.00 - \$20.00 per hour

N. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 2002.

| | |
|-------------------------------------|-----------|
| 6 through 10 years of service----- | \$ 900. |
| 11 through 15 years of service----- | \$ 1,350. |
| 16 through 20 years of service----- | \$ 1,800. |
| 21 through 25 years of service----- | \$ 2,250. |
| 25 years of service and above----- | \$ 2,700. |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Approved by the Council 3/21/02

PATRICIA L. VARCA, RMC
Borough Clerk

ORDINANCE #753
AN ORDINANCE TO AMEND AN ORDINANCE
ENTITLED "THE LICENSES AND PERMITS ORDINANCE
OF THE BOROUGH OF OCEANPORT" PASSED AND
APPROVED ON FEBRUARY 2, 1989

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That Section 41B-25 of the ordinance entitled "the Licenses and Permits Ordinance of the Borough of Oceanport" passed and approved on February 2, 1989 be and the same is hereby repealed.
2. All provisions of the ordinance being amended herein which are not modified by this ordinance shall remain in full force and effect.
3. This ordinance shall take effect upon final passage and publication as provided by.

Passed and approved by the Mayor and Council April 4, 2002.

PATRICIA L. VARCA
MUNICIPAL CLERK

**ORDINANCE #754A
AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "BOROUGH OF
OCEANPORT ZONING ORDINANCE" PASSED
AND APPROVED JULY 3, 1969**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Borough of Oceanport Zoning Ordinance" passed and approved on July 3, 1969, be amended and supplemented as follows:

1. Section 60-10 **Site plan approval**, Paragraph B. **Supporting documentation** shall be amended and supplemented by the addition of subparagraph (9) as follows:

(9) In addition to the other conditions and requirements contained in this section, any application for site plan approval involving the following uses shall be accompanied by an Environmental Impact Statement, without which an application shall not be deemed complete for purposes of review:

- a. Major subdivisions.
- b. When the project is classified as a planned development
- c. Commercial and industrial developments
- d. For any lot or parcel of land which exceed five (5) acres in size.

(a) DEFINITION

Environmental Impact Statement – a written description and analysis of all possible direct and indirect effects a project will have upon the project site and upon surrounding areas, with particular references to the effects of the project upon the public health, welfare and safety, the protection of public and private property, and the preservation and enhancement of natural resources.

(b) PURPOSE

The purpose of providing an Environmental Impact Statement is to allow the Planning Board to assess impacts of the proposed project on the environment, including physical, social and aesthetic considerations, both natural and man-made on assessing the impact upon surface and groundwater, air resources, pollution of all kinds, waste disposal, drainage, wetlands, flood plains, landscapes and waterfront.

Ordinance #754A continued.

(c) CONTENTS

The environmental Impact Statement shall include, but not limited to, the following:

1. Plan and Description of Development:

- a. A project description, complete with maps and drawings and also by narrative, which specifies what is to be done and how it is to be done during construction and after construction is completed.
- b. The project description shall include a key map showing the locations of the project, tax map and physical features within 500 feet of the project site.
- c. The information shall include, but not be limited to, existing and proposed contours, grading, buildings, roads, paved area and utility lines and also adjacent water courses, flood hazard boundaries and zoning information. The information and technical data shall be adequate to permit a careful assessment of the environmental impact of the project.

2. Inventory of Existing Environmental Conditions:

- a. An inventory of existing environmental conditions at the project site and in the immediate area to the site which is affected by the plan of development includes:
 1. Sewer facilities
 2. Water supply
 3. Water quality
 4. Surface and subsurface hydrology
 5. Air quality
 6. Traffic volume, noise and flow
 7. Lighting conditions and levels
 8. Noise
 9. Demography
 10. Geology
 11. Soils and soil properties including capabilities and limitations
 12. Topography
 13. Slopes
 14. Vegetation
 15. Regulated wetlands
 16. Wildlife and wildlife habitats
 17. Water courses
 18. Waterfront/shoreline features
 19. Historical sites and archeological resources

Ordinance #754 continued

20. History, including past or present use that might have involved subsurface disposal of waste and toxic or hazardous materials

21. Flood and flood hazard areas

22. Elevations at two (2) foot contours

B. Where applicable, quality standards shall be described with reference to those promulgated by the New Jersey Department of Environmental Protection (NJDEP) and federal agencies.

3. Assessment of the Anticipated Impact of the Project.

(a) An assessment of the environmental impact of the project shall be stated supported by environmental data. The assessment shall include an analysis of the public costs, such as but not limited to schools, roads, police protection, fire protection, waste disposal, water supply, sewerage and other similar direct and indirect costs of the project including the effects on recreational facilities, open space and other similar municipal services.

(b) Assessment data shall specifically include the following:

1. Sewerage facilities. A showing that sewage can be disposed of through public facilities of adequate capacity and to preclude water pollutions. If onsite subsurface disposal is proposed, data on underlying water table, soil analysis, soil stratigraphy, percolation tests for each sewage disposal site, topography, depth of aquifers, depth and type of construction of all wells within 500 feet, and any other pertinent data or compliance with all Federal, State and local sewerage and health regulations shall be provided.
2. Water Supply. A showing that an adequate water supply is available.
3. Drainage. A showing that storm runoff from the site is so controlled that onsite and offsite erosion is neither caused nor worsened and that potential downstream flooding is not increased. Information provided shall show:

Volume and peak flows of storm water runoff expected from the existing site and to be generated by new improvements.

Data/Mapping on existing onsite landscaping, vegetation and tree and ground cover, compared with the proposed.

Changes in runoff rate and volume and the time of concentration to be caused by changes in land use.

Ordinance #754 continued.

Plans for disposition of storm water, whether by retention onsite or by means of channeling so as to protect downstream property.

4. Stream encroachments. A stream encroachment permit is required from the NJDEP for fill or diversion of a water channel, alteration of a stream or repair or construction of a bridge, culvert, pipeline or cable crossing.
5. Floor plans. Description of protection against flood damages and proposed elevations.
6. Air quality. A statement of anticipated effects on air quality due to vehicular traffic and onsite activities such as heating, incineration and any processing of materials.
7. Pedestrian and vehicular traffic. A statement of projected effects of anticipated traffic on internal, access, bordering and regional roadways.
8. Noise. A statement of anticipated effects on noise levels, magnitudes and characteristics related to onsite activities and proposed methods of control. The applicant must also list neighboring properties that will be affected by noise.
9. Artificial light. A statement of anticipated effects of light levels, magnitudes and characteristics related to onsite activities and proposed methods of control.
10. Demography. A statement of the onsite and offsite effects on the utilization of public facilities due to the changes in population density and demographics.
11. Solid and hazardous wastes. A statement of the type, amount and anticipated methods of disposal. A list of all licenses, permits and other approvals required by Municipal, County, State or Federal law shall be provided.
12. Listing of all unavoidable adverse impacts. A listing and evaluation of adverse impacts and damages to natural resources which cannot be avoided, with particular emphasis upon, but not limited to, air or water pollution, increased noise, damage to vegetative and wildlife systems, changes to waterfront and waterfront views, displacement of people and business, increase in sedimentation and siltation, increase in municipal services and consequences to municipal tax structure. Offsite impacts shall also be stated and evaluated.
13. Steps to minimize and mitigate environmental damage. A description of steps to be taken to minimize and mitigate

adverse environmental impacts during construction and operation, both at the project site and in the affected surroundings. Such description shall include necessary

Ordinance # 754 continued

maps, schedules, rendering and other explanatory data as may be needed to clarify and explain the actions to be taken.

14. Alternative. A statement of alternatives to the proposed project which might avoid some or all of the adverse environmental effects of the proposed project. The statements should include the reasons for the acceptability or non-acceptability of each alternative.

15. Reference to Federal, State or local statutes or regulations. Whenever possible, the above referenced assessment shall describe anticipated impacts with reference to standards as may have been determined by Federal, State and local statutes.

4. Submissions Requirements:

(a) Six (6) complete copies of the Environmental Impact Statement including all maps, drawings, narratives and technical data shall be submitted to the Planning Board.

(b) Any Environmental Impact Statement shall be submitted to the Secretary of the Planning Board thirty (30) days prior to the hearing date of the subdivision or site plan.

(d) EVALUATION PROCEDURE

1. Upon receipt of the application, the Secretary of the Planning Board shall forward the Environmental Impact Statement to the Environmental Commission and to any other Borough agency that the Planning Board may desire for consideration.
2. The Environmental Commission and other Borough agencies shall review the applicant's Environmental Impact Statement and shall report its findings and comments within 25 days of the date submitted to the Planning Board.
3. The Planning Board and/or Environmental Commission may require the opinions of experts in their review of the Environmental Impact Statement. The Planning Board and/or Environmental Commission may hire an expert consultant to assist them in the evaluation of the submitted information by the applicant.
4. Fees for the cost of such a consultant described in Subsection C above shall be paid by the applicant.

(e) CONDITIONS OF APPROVAL

As a condition of approval of the application, the Planning Board may require that steps be taken to minimize the adverse environmental impact

during and after construction and no construction permit or certificates of occupancy, as the case may be shall be issued until all such requirements have been satisfied. The Planning Board may, in its discretion waive all or any portion of the requirements for an Environmental Impact Statement whenever either the nature of the application or the physical characteristics of the project site or the surrounding area would warrant such waiver.

(f) QUALIFICATIONS OF PREPARER

The Environmental Impact Statement shall be prepared by a person or firm having expertise in the field by virtue of experience and /or education. Such person or firm may be required to submit his/her qualifications to the Planning Board at its discretion. The applicant shall choose the person or firm to prepare the Environmental Impact Statement.

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

3. This Ordinance shall take effect following final passage and publication as provided by law.

APPROVED 8/15/02

PATRICIA L. VARCA
BOROUGH CLERK

ORD.
#755
8-15-02

**AN ORDINANCE TO AMEND AN ORDINANCE
ENTITLED "THE UNIFORM CONSTRUCTION CODES
ORDINANCE OF THE BOROUGH OF OCEANPORT"
PASSED AND APPROVED ON MARCH 2, 1995**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That Section 30-1 I (1) of the ordinance entitled "The Uniform Construction Codes Ordinance of the Borough of Oceanport" passed and approved on March 2, 1995, be and the same is hereby amended as follows:

(1) In order to provide for the training and certification and technical support programs required by the State Uniform Construction Code Act, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee of \$0.0019 per cubic foot of volume of new construction. The fee for all other construction shall be \$0.96 per \$1,000 of value of the construction. The surcharge fees provided herein shall be automatically adjusted without the necessity of an amendment to this ordinance in accordance with modification of these fees by the State from time to time.

2. All provisions of the ordinance being amended herein which are not modified by this Ordinance shall remain in full force and effect.

3. This Ordinance shall take effect following final passage and publication as provided by law.

APPROVED:


GORDON N. GEMMA, Mayor

Dated: AUGUST 15, 2002

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6-6-02

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94A

**BOND ORDINANCE APPROPRIATING \$40,000.
AND AUTHORIZING THE ISSUANCE OF \$38,000.
BONDS OR NOTES OF THE BOROUGH FOR
VARIOUS IMPROVEMENTS OR PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE
BOROUGH OF OCEANPORT, IN THE COUNTY
OF MONMOUTH, NEW JERSEY**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than
two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond
ordinance are hereby respectively authorized as general improvements to be made or
acquired by the Borough of Oceanport, New Jersey. For the said several improvements
or purposes stated in said Section 3, there are hereby appropriated the respective sums of
money therein stated as the appropriations made for said improvements or purposes, said
sums being inclusive of all appropriations heretofore made therefor, and amounting in the
aggregate to \$40,000. including the aggregate sum of \$2,000. as the down payment for
said improvements or purposes required by law and more particularly described in said
Section 3 and not available therefor by virtue of provision in a previously adopted budget
or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet
the part of said \$40,000. appropriations not provided for by application hereunder of said
down payment, negotiable bonds of the Borough are hereby authorized to be issued in the
principal amount of \$38,000. pursuant to the Local Bond Law of New Jersey. In
anticipation of the issuance of said bonds and to temporarily finance said improvements
or purposes, negotiable notes of the Borough in a principal amount not exceeding
\$38,000. are hereby authorized to be issued pursuant to and within the limitations
prescribed by said law. All such notes shall mature at such times as may be determined
by the chief financial officer or such other financial officer designated by the resolution
for this purpose (both being hereafter referred to in this section as the "chief financial
officer"); provided that no notes shall mature later than one year from its date. The notes
shall be conclusive as to such determination. The chief financial officer is hereby
authorized to sell the notes from time to time at public or private sale in such amounts as
he may determine at not less than par and to deliver the same from time to time to the
purchasers thereof upon receipt of payment of the purchase price plus accrued interest
from their dates to the date of delivery thereof for payment therefor. Such officer is
authorized and directed to report in writing to the governing body of the Local Unit at the
meeting next succeeding the date when any sale or delivery of the notes pursuant to this
ordinance is made, such report to include the amount, description, interest rate and
maturity of the notes sold, the price obtained and the name of the purchaser. Such officer
is further directed to determine all matters in connection with said notes not determined

208
940

by this ordinance and his signature upon said notes shall be conclusive as to such determination. All notes issued hereunder may be renewed from time to time for periods of not exceeding one (1) year for the time period specified in and in accordance with the provisions of N.J.S. 40A:2-8(a).

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for such purpose, is as follows:

| <u>Improvements or Purpose</u> | <u>Appropriations and Estimated Cost</u> | <u>Capital Improvement Fund</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> |
|--|--|---|---|
| (1) Flood alleviation, road improvements to Cayuga Avenue and Gooseneck Point Road | \$40,000.00 | \$2,000.00 | \$38,000.00 |

The excess of the appropriation made for the improvements or purposes aforesaid over the estimated amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose. All funds to be received from the Program shall be used to satisfy the obligations incurred pursuant to the terms of this Ordinance.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by the bond ordinance is 20 years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete duplicate hereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$338,675. and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.

(d) Amounts not exceeding \$10,000. in the aggregate for interest on said

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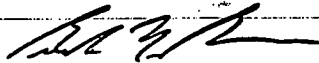
obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate thereof.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of principal and of interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 6. The debt authorized by this bond ordinance may be satisfied by monies received from the sale of municipal property.

Section 7. This bond ordinance shall take effect 20 days after the first publication after final adoption as provided by said Local Bond Law.

Approved:



GORDON N. GEMMA, Mayor

Dated:

300
94D

ORDINANCE #756

**AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE
ENTITLED "THE BOROUGH OF OCEANPORT
FIRE PREVENTION ORDINANCE" PASSED AND
APPROVED ON JULY 18, 1985.**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport,
In the County of Monmouth and State of New Jersey as follows:

1. That the ordinance entitled "The Borough of Oceanport Fire Prevention Ordinance" passed and approved on July 18, 1985, be and the same is hereby amended and supplemented as follows:

- A. Section 37-2 is amended to read as follows:

The local enforcing agency shall be the Bureau of Fire Prevention of the Borough of Oceanport.

- B. Section 37-5 is amended to read as follows:

The local enforcing agency established by Section 37-2 of this ordinance shall be the Bureau of Fire Prevention of the Borough of Oceanport and shall be under the direct supervision and control of the Fire Official, who shall be the Fire Marshal and the Chief of the Fire Prevention Bureau. The Bureau Chief shall report to the Mayor and Council of the Borough of Oceanport.

- C. Section 37-6A is amended to read as follows:

- A. Appointment of Fire Official: The local enforcing agency shall be under the supervision of a Fire Official, who shall be appointed by the Mayor and Council of the borough of Oceanport and shall be certified as a fire official by the State of New Jersey. In making this appointment, the appointing authority may make the appointment from recommendations provided by the Chief of the Fire Department.

- D. Section 37-6B is amended to read as follows:

- B. Term of office. The Fire Official shall serve for a term of two (2) years commencing on January 1st next succeeding the effective date of this Ordinance.

- E. Section 37-8E is amended and supplemented to read as follows:

- E. Multi-family housing and dwellings with a fee schedule of :

- (1) Each building: forty dollars (\$40) annually.
- (2) Each dwelling unit ten dollars (\$10) every five (5) years.
- (3) Common areas, utility areas: inspection annually.
- (4) Church meeting halls: twenty five dollars (\$25.) annually.

- F. Section 37-8F is redesignated as subsection G and is amended to read as follows:

- G. All commercial enterprises named in Section 37-8 of this ordinance must register annually with the Bureau of Fire Prevention and shall

#756 Continued

pay all inspection fees not later than December 1 of each year. All new enterprises shall register within sixty (60) days of commencement of business activity.

G. Section 37-8H is added as follows:

H. Anyone who obstructs, hinders, delays or interferes by force or otherwise with the Fire Marshal or any member of the local enforcing agency in the exercise of any power or the discharge of any function or duty under the provisions of this ordinance shall, upon conviction therefore, be subject to a fine not to exceed \$2,500.00 per occurrence.

H. Section 37-8 I is added as follows:

I. False statements. Anyone who prepares, utters or renders any false statement pertaining to reports, documents, plans or specifications permitted or required under the provisions of this ordinance shall be subject to a penalty not to exceed \$5,000. for each occurrence.

I. Section 37-9 is amended and supplemented to read as follows:

- (i) An applicant who shall fail to obtain an required permit prior to commencing the operation, process or activity for which a permit was required shall be required to pay a permit fee of double the amount of the applicable permit fee.
- (ii) Any person or entity who shall fail to obtain a required permit after being ordered to do so while continuing the operation, process or activity shall be subject to a maximum penalty of \$5,000. per day during which the operation, process or activity continues.

J. Section 37-10 D is mended to read as follows:

D. To the extent that the provisions of this section shall be inconsistent with the provisions of N.J.A.C. 5:70-3.2 (a)F311 of the Uniform Fire Safety Code, the provisions of this section shall prevail.

K. Section 37-10.1 is added as follows:

Section 37-10.1. Rapid-entry system in residences and businesses.

A. Required. The Bureau of Fire Prevention of the Borough of Oceanport shall require the owner(s) of all of the following types of new and existing building(s) or structure(s) to have installed

#756 Continued

on their building(s) or structures(s) a rapid-entry key box, to be located not less than six nor more than eight feet from grade above the main entrance on the hinge side of the entry door:

- (1) All hotels, motels or multiple dwellings that:
 - (a) Have locked main entrances for security purposes at any time during the day or night; and
 - (b) Have common corridors to living units or spaces.
 - (2) Any sprinklered or interconnected alarmed residential or commercial building or structure.
 - (3) Any industrial, commercial, institutional, retail or similar business building or structure, including public and private schools, consisting of 12,000 square feet or more.
 - (4) Any public or private educational institution.
 - (5) Any other building or structure deemed necessary by the Fire Official.
- B. Approval of system; owner or provide keys upon request. The type of rapid-entry key box system to be installed shall be approved by the Bureau of Fire Prevention prior to the purchase of the same. In addition to providing a rapid-entry key for the system installed to the Bureau of Fire Prevention, the Bureau may request and the owner of the building or structure concerned shall provide keys for the following areas within the building or structure:
1. Boiler rooms
 2. Sprinkler control valves.
 3. Electrical rooms.
 4. Elevators and elevator control rooms, and
 5. Such other room(s) or door(s) requested by the Bureau of Fire Prevention where entry may be required.
- C. Key to self-contained living areas, units or rooms. Notwithstanding the provisions of any other section of this chapter, no official, employee or member of the Bureau of Fire Prevention or Fire Department shall request nor shall an owner be required to provide, a key to any self-contained individual living space area, unit or room.
- D. When deemed necessary, the Fire Official may require the owner of a building structure to purchase and install locking Fire Department connection cap(s) with a type to be approved by the Bureau of Fire Prevention.

756 Continued

- E. When deemed necessary, the Fire Official may require the owner of a building structure to purchase and install a keyed electric override switch with a type to be approved by the Bureau of Fire Prevention for the following.
1. Exhaust fans for parking structure(s);
 2. Electric-operated doors for parking structure(s),
and
 3. Electric-operated perimeter gates.
2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.
3. This Ordinance shall take effect following final passage and publication as provided by law.

Passed and approved by the Mayor and Council on 9/19/02.

KIMBERLY A JUNGFER
DEPUTY BOROUGH CLERK

ORDINANCE #757
BOND ORDINANCE APPROPRIATING \$1,100,000.
AND AUTHORIZING THE ISSUANCE OF \$1,045,000.00
BONDS OR NOTES OF THE BOROUGH FOR
VARIOUS IMPROVEMENTS OR PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE
BOROUGH OF OCEANPORT, IN THE COUNTY
OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore, and amounting in the aggregate to \$1,100,000.00. including the aggregate sum of \$55,000. as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and not available therefore by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,100,000. appropriations not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,045,000. pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the borough in a principal amount not exceeding \$1,045,000. are hereby authorized to be issued pursuant to AND WITHIN THE LIMITATIONS PRESCRIBED BY SAID LAW. All such notes shall mature at such times as may be determined by the chief financial officer or such other financial officer designated by the resolution for this purpose (both being hereafter referred to in this section as the "chief financial officer") provided that no notes shall mature later than one year from its date. The notes shall be conclusive as to such determination. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof for payment therefore. Such officer is authorized and directed to report in writing to the governing body of the Local Unit at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser. Such officer is further directed to determine all matters in connection with said notes not determined by this ordinance and his signature upon said notes shall be conclusive as to such determination. All notes issued hereunder may be renewed from time to time for period of not exceeding one (1) year for the time period specified in and in accordance with the provisions of N.J.S. 40A:2-8(a).

Ordinance 757 continued

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and estimated cost for such purpose, and the estimated maximum amount of bonds or notes to be issued for such purpose, is as follows:

| <u>Improvements or Purpose</u> | <u>Appropriations and Estimated Cost</u> | <u>Capital Improvement Fund</u> | <u>Estimated. Maximum Amount of Bonds or Notes</u> |
|--|--|---|--|
| (1) Acquisition of a portion of Lot 26, Block 88 from The New Jersey Sports & Exposition Authority. | \$1,100,000.* | \$55,000.00 | \$1,045,000.00 |
| | <u>\$1,100,000.</u> | <u>\$55,000.00</u> | <u>\$1,045,000.00</u> |

*To be matched by a Green Acres grant from the New Jersey Open Space Trust Fund in the amount of \$1,100,000.

The excess of the appropriation made for the improvements or purposes aforesaid over the estimated amount of bonds or notes to be issued therefore, as above stated, is the amount of the said down payment for said purpose. All funds to be received from the Program shall be used to satisfy the obligations incurred pursuant to the terms of this Ordinance.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by the bond ordinance is 40 years.
- (c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and complete duplicate hereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the borough as defined in said law is increased by the authorization of the

bonds and notes provided for in this bond ordinance by \$1,045,000. and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.

- (d) Amounts not exceeding \$150,000. in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate thereof.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of principal and of interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 6. The debt authorized by this bond ordinance may be satisfied by monies received from the sale of municipal property.

Section 7. This bond ordinance shall take effect 20 days after the first publication after final adoption as provided by Local Bond Law.

Approved by Council October 3, 2002.

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #758
AN ORDINANCE TO AMEND AND SUPPLEMENT AN
ORDINANCE ENTITLED "THE STREET AND SIDEWALK
EXCAVATIONS ORDINANCE OF THE BOROUGH OF OCEANPORT"
PASSED AND APPROVED ON JUNE 2, 1925

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That the ordinance entitled "The Street and Sidewalk Excavations Ordinance of the Borough of Oceanport" passed and approved on June 5, 1925, be and the same is hereby amended and supplemented as follows:
 - A. Section 51-1 **Definitions** is amended to substitute "Borough Clerk" for "Borough Administrator" wherever the latter may appear.
 - B. Section 51-4 **Fees**, Paragraph A is amended to substitute the words "not less than one hundred dollars (\$100.)" for "thirty five dollars (\$35.)".
 - C. Section 51-5 **Cash repair deposits**, Paragraph A is amended to read as follows:
 - a. The application for an excavations permit to perform excavation work under this ordinance shall be accompanied by a cash repair deposit. Such cash repair deposit will take the form of cash or certified check payable to the Borough of Oceanport and shall be received by the Borough Clerk prior to the issuance of any permit. The amount of the cash repair deposit required shall be:
 1. For openings in streets paved with concrete or bituminous concrete:
 - a. Three hundred dollars (\$300.), plus two dollars and fifty cents (\$2.50) per square foot of opening not exceeding one thousand (1,000) square feet.
 - b. Two thousand five hundred dollars (\$2,500.), plus two dollars (\$2.00) per square foot of opening in excess of one thousand (1,000) square feet but not exceeding five thousand (5,000) square feet.
 - c. Ten thousand dollars (\$10,000.), plus one dollar and fifty cents (\$1.50) per square foot of opening in excess of (5,000) square feet.
 2. For excavations made in streets of lesser construction: one-half (1/2) the preceding fees.
 3. In the case of excavation or removal or alteration of other public improvements, such as drainage, sidewalks, driveway aprons, etc., the Borough Engineer shall determine in each case the amount of the cash repair

Ordinance #758 continued.

deposit in sum sufficient to allow for the Borough to perform all required repairs and restorations. Said amount shall be estimated to include gross borough costs, including fees, temporary maintenance costs, permanent restoration costs, etc. In no case shall any cash repair deposit be less than five hundred (\$500.).

D. Section 51-5 **Cash repair deposit**, Paragraph C is amended as follows:

c. Upon the permittee's completion of the work covered by such permit, and after a sixty (60) day maintenance period in conformity with the ordinance as determined by the Borough Engineer, two-thirds (2/3) of the remaining cash deposit shall be refunded by the borough to the permittee, and the balance shall be refunded by the borough to the permittee upon the expiration of such twelve-month period, provided that if the amount of cash deposit does not exceed five hundred dollars (\$500.), the entire cash repair deposit shall be returned upon the Borough Engineer's determination that the permittee has performed the work in conformity with this ordinance and provide further that the borough may use any or all of such deposit to pay the cost of any work the borough performs to restore or maintain the street as herein provided in the event that the permittee fails to perform such work in, in which event the amount refunded to the permittee shall be reduced by the amount thus expended by the borough.

E. Section 51-7 **Emergency approval** is amended to substitute "Borough Clerk" for "Borough Administrator" wherever the latter may appear.

F. Section 51-8 **General requirements for excavations, backfilling and resurfacing** is amended and supplemented as follows:

The permittee shall comply with the following general conditions with regard to the opening or excavation and the backfilling and resurfacing of any public street or public place.

- A. The permittee shall keep each opening properly guarded and at night have lights placed thereat and, in doing the work, interfere as little as possible with the travel along the road and open no greater part of the road at any time than shall be allowed by the borough. If the excavation is to extend the full width of the road, no more than one-half (1/2) of the road shall be opened at one (1) time, such half shall be backfilled before the other half is opened, so as to permit the free flow of traffic.
- B. The applicant shall give a twenty-four-hour notice to the Borough Clerk prior to making an opening or prior to beginning surface restoration.
- C. No opening shall commence on a Saturday, Sunday or holiday, except in case of an emergency.
- D. On roads having either a concrete or bituminous concrete surface, the excavation work area shall be saw cut so that the edges of the opening

Ordinance #758 continued

shall be cut straight through the bituminous or concrete surface before the trench is excavated.

- E. If the distance from the edge of the excavation work area to the existing curb is less than two (2) feet, the permittee shall excavate to the curb and evenly install six (6) inches of bituminous stabilized base course in the entire area.
- F. The work shall be so conducted as not to interfere with the water mains, gas lines, sewer lines or their connections with houses unless the permission of the proper authorities shall have been obtained. All rock within five (5) feet of a water main or other pipe which might be damaged thereby shall be removed without blasting. No excavation which will damage trees shall be made.
- G. After the underground installation has been completed, the permittee shall properly backfill the excavation. The backfill may consist of the excavated materials but shall be free of all organic material, debris and clay. It shall be placed in lifts of no more than twelve (12) inches, each lift to be thoroughly compacted to grade or twenty-four (24) inches below subgrade, the remainder to be backfilled with bank-run gravel. Should the excavated material be unsuitable for backfill in the opinion of the Borough Engineer, then the entire trench shall be backfilled with bank-run gravel and compacted as described above. Bank-run gravel shall conform to new Jersey State Department of Transportation soil aggregate dry Type I-1.
- H. After the backfill has been placed, the permittee shall install a temporary pavement of bituminous concrete six (6) inches thick, and shall keep such temporary pavement to grade until it has been replaced by a permanent pavement. The excavated area shall then be allowed to settle for a period of not less than ninety (90) days. Any settlement occurring within this period must be repaired by the permittee.
- I. When the final settlement has taken place, however, no later than one hundred twenty (120) days after excavation, the permittee shall mill and overlay the temporary pavement with a permanent pavement which shall be not less than twelve (12) inches larger than the length and width of the opening. The permanent pavement shall be of the same types as the original pavement, unless authorized by the Borough Engineer. The Borough Engineer shall be given forty-eight (48) hours written notice previous to the time when the permanent pavement is to be installed in order to permit an inspection thereof. The permittee shall be required to mill the excavation surface to a depth of two (2) inches, one (1) foot wider on all sides of the initial repair. If the distance from the edge of the milled area to the existing curb is between two (2) and four (4) feet, the permittee shall be required to mill this distance as well. FABC surface course shall also be required to provide a tack coat on all existing bituminous and concrete surfaces

Ordinance 758 continued.

prior to installation of the FABC surface course. As an alternate method of final restoration and subject to prior approval of the Borough Engineer, the permittee may utilize the infrared repair process provided that the area of excavation does not exceed one hundred (100) square feet. If the excavation work area is within one hundred (100) feet of a previous excavation made within one (1) year (by the same permittee along the same side of the road), the permittee shall mill and restore between the outermost excavation from the center line of the roadway to the curb. The permittee shall replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, etc. that are affected by the excavation and restoration work, at the permittee's expense. Such work shall be performed according to borough standards.

J. The restoration of the opening shall be maintained for sixty (60) days after completion at the expense of the permittee, and any cash deposit, as set forth hereinabove, shall not be returned until at least sixty (60) days have passed from the time of repair and the road is in acceptable condition.

G. Section 51-8.1 **Excavations in recently improved streets**, Paragraph A is amended to substitute "Borough Clerk" for "Borough Administrator" wherever the latter may appear.

H. Section 51-8.2 **Excavations in winter months** is amended to read as follows:

Unless authorized by prior written approval of the Borough Engineer, no permit for the excavation of any street shall be issued between December 1 and March 1, except for emergencies as provided in Section 51-7 or by resolution adopted by the Borough Council. All street excavations commenced after March 1 must be completed, backfilled and restored prior to December 1.

I. Section 51-11 **Liability insurance required**. Paragraph A is amended to increase the amount of liability insurance required from not less than one hundred thousand dollars (\$100,000.) to not less than five hundred thousand dollars (\$500,000.) for any one (1) person; from three hundred thousand dollars (\$300,000.) to one million (\$1,000,000.) for any one (1) accident, and from not less than fifty thousand (\$50,000.) to not less than five hundred thousand (\$500,000.) for property damage.

J. Section 51-11.1 **Violations and penalties** is amended to increase the amount of fine from not exceeding five hundred dollars (\$500.) to not exceeding one thousand (\$1,000.).

2. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.

Ordinance 758 continued

3. This ordinance shall take effect following final passage and publication as provided by law.

Approved by Council November 7, 2002.

PATRICIA L. VARCA
BOROUGH CLERK

#759
2-20-03

**AN ORDINANCE PURSUANT TO THE LOCAL
CAP LAW CONCERNING THE 2003 MUNICIPAL
BUDGET OF THE BOROUGH OF OCEANPORT,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Local Government CAP Law, N.J.S. 40a:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, P.L. 1986, C. 203 amended the Local Government CAP Law to provide that a municipality may, in any year in which the index rate is less than 5%, increase its final appropriations by a percentage rate greater than the index rate, but not to exceed the 5% rate as defined in the amendatory law, when authorized by ordinance; and

WHEREAS, the index rate for 2003 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 1.0%; and

WHEREAS, the Mayor and Council of the Borough of Oceanport in the County of Monmouth finds it advisable and necessary to increase its 2003 budget by more than 1.0% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and

WHEREAS, the Mayor and Council of the Borough of Oceanport hereby determines that a 0.5% increase in the budget for said year, amounting to \$18,852.66 in excess of the increase in final appropriations otherwise permitted by the Local Government CAP Law, is advisable and necessary.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2003 budget year, the final appropriations of the Borough of Oceanport shall, in accordance with this ordinance and P.L. 1986, C. 203, be increased by 0.5%, amounting to \$18,852.66, and that the 2003 municipal budget for the Borough of Oceanport be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction, and

759
2-20-03
Continued

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Approved:



GORDON N. GEMMA, MAYOR

DATED: February 20, 2003

ORDINANCE #760
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2003 unless otherwise stated, be and the same is hereby amended to read as follows:

A. ADMINISTRATIVE AND EXECUTIVE

| | |
|--------------------------|-----------|
| Mayor | \$ 1,500. |
| Councilpersons, each (6) | \$ 1,500. |
| Borough Clerk | \$69,800. |
| Deputy Borough Clerk | \$41,500. |

B. FINANCIAL ADMINISTRATION

| | |
|--------------------------------|-----------|
| Chief Financial Officer | \$27,000. |
| Accounts Payable/Payroll Clerk | \$18,720. |

C. BOARD OF ASSESSORS

| | |
|----------------------|-----------|
| Assessor | \$18,840. |
| Assessor's Assistant | \$ 1,200. |

D. COLLECTION OF TAXES

| | |
|------------------|-----------|
| Tax Collector | \$47,945. |
| Tax Office Clerk | \$25,290. |

E. MUNICIPAL COURT

| | |
|----------------------------------|-----------|
| Municipal Court Judge | \$15,010. |
| Court Administrator | \$26,650. |
| Court Assistant-Hourly rate \$15 | \$ 1,000. |
| Municipal Prosecutor | \$ 9,000. |
| Public Defender | \$ 2,500. |

Ordinance #760 continued

F. LEGAL SERVICES

| | |
|------------------|-----------|
| Borough Attorney | \$ 3,500. |
|------------------|-----------|

G. PLANNING BOARD

| | |
|-------------------------|-----------|
| Planning Board Attorney | \$ 8,000. |
|-------------------------|-----------|

H. POLICE DEPARTMENT

| | |
|--------------------|-----------|
| Chief | \$91,515. |
| Captain | \$81,176. |
| Detective Sergeant | \$79,086. |
| Sergeants, each | \$76,997. |
| Detective | \$74,907. |

03 New*

03 Present

| | | |
|--|-----------|-----------|
| Patrolman I (commencing fifth year of service and each year thereafter) | \$72,817. | \$72,817. |
| Patrolman II (commencing fourth year of service) | \$64,369. | \$65,932. |
| Patrolman III (commencing third year of service) | \$55,920. | \$59,050. |
| Patrolman IV (commencing second year of service) | \$47,472. | \$52,165. |
| Patrolman V (commencing first year of service) | \$39,024. | \$43,047. |
| Probationary Trainee | \$30,576. | |

*New 03 salaries apply to all Patrolmen hired after 01/01/01 and thereafter

Dispatchers:

| | |
|--|-----------|
| Third year of employment and each year thereafter | \$38,795. |
| Second year of employment | \$35,790. |
| First year of employment | \$32,980. |

| | |
|---------------|----------|
| Records Clerk | \$ 3,710 |
|---------------|----------|

| | |
|------------------------------|-----------|
| School Crossing Guards, each | \$ 7,750. |
|------------------------------|-----------|

I. PUBLIC WORKS & RECYCLING DEPARTMENT

| | |
|----------------|-----------|
| Superintendent | \$50,000. |
| Foreman | \$45,000. |

| | |
|---------------|-----------|
| Helper I | \$28,500. |
| Helper II (A) | \$26,000. |
| Helper II (B) | \$26,000. |
| Helper III | \$25,000. |

Ordinance #760 continued

J. RECREATION AND EDUCATION

| | |
|---|-----------|
| Recreation Coordinator | \$ 7,765. |
| Action Camp Director | \$ 2,500. |
| Recreation Aides & Assistants, total | \$13,322. |
| Building Custodian | \$ 1,660. |
| Community Center/Old Wharf House reservations | \$ 1,000. |
| Library Aide | \$ 1,800. |
| Construction Official | \$20,360. |
| FEMA Application Prep Work | \$ 1,600. |
| Building Inspector | \$10,350. |
| Plumbing SubCode Official | \$ 6,520. |
| Housing Inspector | \$ 4,245. |
| Fire SubCode Official | \$ 3,570. |
| Fire Marshal | \$ 3,450. |
| Building SubCode Official | \$ 5,775. |
| Zoning Enforcement Officer | \$ 4,970. |
| Control Person | \$ 7,265. |

K. BOARD OF HEALTH

| | |
|-----------|-----------|
| Registrar | \$ 1,335. |
|-----------|-----------|

L. EMERGENCY MANAGEMENT

| | |
|----------------------------------|-----------|
| Emergency Management Coordinator | \$ 2,500. |
|----------------------------------|-----------|

M. CASUAL LABOR \$8.00 - \$20.00 per hour

N. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 2003.

| | |
|-------------------------------------|-----------|
| 6 through 10 years of service----- | \$ 900. |
| 11 through 15 years of service----- | \$ 1,350. |
| 16 through 20 years of service----- | \$ 1,800. |
| 21 through 25 years of service----- | \$ 2,250. |
| 25 years of service and above----- | \$ 2,700. |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Approved 3/20/03

ORDINANCE #761
BOND ORDINANCE APPROPRIATING \$661,560.
AND AUTHORIZING THE ISSUANCE OF \$628,482.
BONDS OR NOTES OF THE BOROUGH FOR
VARIOUS IMPROVEMENTS OR PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE
BOROUGH OF OCEANPORT, IN THE COUNTY
OF MONMOUTH, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore, and amounting in the aggregate to \$661,560. including the aggregate sum of \$33,078. as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and not available therefore by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$661,560. appropriations not provided for by application hereunder of said down payment, negotiable bond of the Borough are hereby authorized to be issued in the principal amount of \$628,482. pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the borough in a principal amount not exceeding \$628,482. are hereby authorized to be issued pursuant to and within the limitations prescribed by said law. All such notes shall mature at such times as may be determined by the chief financial officer or such other financial officer designated by the resolution for this purpose (both being hereafter referred to in this section as the "Chief Financial Officer"); provided that no notes shall mature later than one year from its date. The notes shall be conclusive as to such determination. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof for payment therefore. Such officer is authorized and directed to report in writing to the governing body of the Local Unit at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser. Such officer is further directed to determine all matters in connection with said notes not determined by this ordinance and his signature upon said notes shall be conclusive as to such

determination. All notes issued hereunder may be renewed from time to time for periods of not exceeding one (1) year for the time period specified in and in accordance with the provisions of N.J.S.40A:2-8(a).

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for such purpose, is as follows:

| <u>Improvements or Purposes</u> | <u>Appropriations and Estimated Cost</u> | <u>Capital Improvement Fund</u> | <u>Estimated Maximum Amount of Bond or Notes</u> |
|--|--|---|--|
| (1) Street Improvements | 140,500.00 | 7,025.00 | 133,475.00 |
| (2) Dump Truck | 80,000.00 | 4,000.00 | 76,000.00 |
| (3) First Aid Equipment | 25,000.00 | 1,250.00 | 23,750.00 |
| (4) Fire Dept. Equipment | 103,060.00 | 5,153.00 | 97,907.00 |
| (5) Blackberry Bay Park Renovation | 250,000.00 | 12,500.00 | 237,500.00 |
| (6) Police Communications and Equipment | 14,000.00 | 700.00 | 13,300.00 |
| (7) Engineering Services | <u>49,000.00</u> | <u>2,450.00</u> | <u>46,550.00</u> |
| | 661,560.00 | 30,078.00 | 628,482.00 |

The excess of the appropriation made for the improvements or purposes aforesaid over the estimated amount of bonds or notes to be issued therefore, as above stated, is the amount of the said down payment for said purpose. All funds to be received from the Program shall be used to satisfy the obligations incurred pursuant to the terms of this Ordinance.

Section 4. The following additional matters are hereby determined, declared, recited and state:

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by the bond ordinance is 15 years.
- (c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete duplicate hereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement

shows that the gross debt of the Borough as defined in said law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$661,560. and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.

- (d) Amounts not exceeding \$66,000. in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40 A:2-20 of said Law may be included in the foregoing estimate.

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of principal and of interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all taxable property within the Borough for payment of said obligations and interest thereon without limitation of rate or amount.

Section 6. The debt authorized by this bond ordinance may be satisfied by the monies received from the sale of municipal property.

Section 7. This bond ordinance shall take effect 20 days after the first publication after the final adoption as provided by said Local Bond Law.

Adopted by the Mayor and Council April 14, 2003

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #762
AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT
ZONING ORDINANCE" PASSED AND APPROVED ON JULY 3, 1969

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Borough of Oceanport Zoning Ordinance" passed and approved on July 3, 1969, be amended and supplemented as follows:

1. ARTICLE VI Section 68-24 A(4) is amended to increase the length of time by which a temporary sign shall be removed from ninety (90) days to one hundred eighty (180) days.
2. ARTICLE VI is further amended by the addition of the following subparagraph a. to section 68-24, Paragraph (4):
 - a. In addition to the signs permitted under Paragraph 4 of this Section, there shall also be permitted two (2) temporary signs advertising an "Open House" in connection with the sale of any residential dwelling, subject to the following restrictions.
 - (1) One (1) sign shall be placed only on the lot or building being sold and one (1) directional sign may be placed off-site but shall not be placed on private property owned by another person without that owner's written permission.
 - (2) The signs hereby authorized shall not be larger than 18 inches by 24 inches and the top of each such sign shall not be higher than 42 inches above the ground. If the Open House is being conducted by a realtor, both signs shall contain the name, business office address and telephone number of such realtor.
 - (3) The Open House may be for either the public or realtors only.
 - (4) The sign shall be placed only on the day of the Open House and shall be removed immediately upon the conclusion of the Open House. Both signs shall contain the day of the week on which the Open House is being conducted.
 - (5) No Open House sign shall be illuminated.
 - (6) Any violation of these restrictions shall be subject to a fine of \$100.00 per sign and each day that the violation continues shall be considered a separate and specific violation, and not as a continuing offense.
3. All provisions of the ordinance being amended and supplemented herein which are not modified by this Ordinance shall remain in full force and effect.
4. This ordinance shall take effect following final passage and publication as provided by law.

Adopted 6/5/03

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #763
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE
"BOROUGH OF OCEANPORT FEES ORDINANCE"
PASSED AND APPROVED ON DECEMBER 16, 1999

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Borough of Oceanport Fees Ordinance" passed and approved on December 16, 1999, be amended as follows:

1. ARTICLE II, Section 35A-5 is amended to provide for a fee of twenty dollars (\$20) for each check returned to the Borough of Oceanport.
2. All provision of the ordinance being amended herein which are not modified by this Ordinance shall remain in full force and effect.
3. This ordinance shall take effect following final passage and publication as provided by law.

Adopted by the Mayor and Council on July 17, 2003.

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #764
AN ORDINANCE TO AMEND AN ORDINANCE
ENTITLED THE "BOROUGH OF OCEANPORT
HOUSING CODE ORDINANCE" PASSED AND
APPROVED ON FEBRUARY 7, 1985.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitle the "Borough of Oceanport Housing Code Ordinance" passed and approved on February 7, 1985, be amended as follows:

1. Section 40-3, Paragraph B. Subparagraph 14 is amended to increase the fee for issuance of a certificate of occupancy for rentals and for transfers of ownership from twenty-five dollars (\$25.00) to thirty-five dollars (\$35.00).
2. All provision of the ordinance being amended herein which are not modified by this Ordinance shall remain in full force and effect.
3. This ordinance shall take effect following final passage and publication as provided by law.

Approved by the Mayor and Council on July 17, 2003.

PATRICIA L. VARCA, RMC
BOROUGH CLERK

ORDINANCE #765
AN ORDINANCE TO AMEND AND SUPPLEMENT
AN ORDINANCE ENTITLED THE "BOROUGH OF
OCEANPORT ZONING ORDINANCE" PASSED
AND APPROVED ON JULY 3, 1969.

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Borough of Oceanport Zoning Ordinance" passed and approved on July 3, 1969, be amended and supplemented as follows:

1. Section 68-21, TABLE 1 is amended as follows:

TABLE 1

| Uses | Minimum Required Off-Street Parking Spaces |
|--|--|
| Bowling alleys | 5 for each alley |
| Cemeteries | As per the recommendations of the Municipal Engineer using Institute Of Traffic Engineers standards |
| Churches and Synagogues | 2 for each 3 permanent seats. when individual seats are not provided, each 20 inches of bench shall be considered 1 seat. |
| Community buildings, country clubs, social halls, lodges, fraternal organizations, private schools and similar uses | 1 for each 75 square feet of floor area occupied by all principal and accessory structures. |
| Doctors and dentists | 1 per 200 square feet of gross floor area or fraction thereof. |
| Motels and hotels | 1 for each rentable unit, plus 1 per employee |
| Funeral homes and Mortuaries | 1 for each car used in connection with the business, plus 1 for each 40 square feet of floor area of assembly. |
| Hospitals, nursing and Convalescent homes | 1 for each 3 beds |

ORDINANCE #765 CONTINUED

| | |
|---|--|
| Manufacturing, industrial and general commercial uses not otherwise specified herein | 1 for each 1,000 square feet of floor area, plus 1 for each 4 employees in the maximum working shifts |
| Office (including banks and financial institutions) | 4 for every 1,000 square feet of gross floor area or fraction thereof. |
| Multiple-family apartments | 1 bedroom or studio – 1.8 2 bedroom – 2 3 bedroom – 2.4 |
| Dwelling units (elderly housing) | 1 for every 4 dwellings |
| Single-family residential | 3 (excluding garages) |
| Restaurants, bars and nightclubs | 1 for every 3 seats |
| Retail stores, store groups, shops, etc. | 5 for every 1,000 square feet of floor area or fraction thereof |
| Wholesale establishments or warehouses | 1 for each 2 employees in the maximum shift. The total parking area shall not be less than 20% of the building floor area. |
| Convention halls, skating rinks exhibition halls, stadiums, sports arenas, auditoriums and other places of public assembly. | 1 for each 3 permanent seats, plus 1 for every 2 employees. |
| Planned commercial development group | 1 for each 100 square feet of floor area where the floor area shall be or exceed 2,000 square feet. |

2. Section 68.23.1 is amended and supplemented as follows:

- a. Introductory language is deleted and replaced by the following:
This zone encompasses the Borough's downtown area and was created to enhance the image and vitality of the Village Center by encouraging mixed use infill development with strong pedestrian elements. In order to ensure that the Village Center (V-C Zone) be a visually attractive area, the following development criteria shall be applied:

ORDINANCE #765 CONTINUED

- b. Paragraph A(2) is amended by the addition of the words 'or municipal park' immediately following the words "residential district line."
- c. Paragraph A is further amended by the addition of the following subparagraphs:
 - (4) All mechanical must be screened.
 - (5) Design techniques should result in the creation of individual storefronts along the front and sides and rear (if required) to visually appear to be a quaint, long-established, neighborhood business district.
 - (6) Roofline breaks; rather than a uniform two or three story block of buildings, the roofline should be used to waiver between one, two and three story buildings giving the feel of a streetscape that has evolved over many years.
 - (7) Architectural styles must be compatible with the Turn of the Century Racetrack/seaside village theme. Architectural styles must not be mixed in the same building. The use of detailing such as window shutters on upper floors, small paned storefront windows and entrance door side windows or decorative framing is recommended and encouraged where appropriate to the architectural style. Blanks walls will not be allowed.
- d. Paragraph B(4) is deleted and replaced by the following:
 - (4) There shall be at least one trash and garbage pickup location provided by each building. It shall be a totally enclosed container located in a manner to be obscured from view from parking areas, existing residential uses or municipal parks by a masonry enclosure.
- e. Paragraph B (5) is deleted and replaced by the following:
 - (5) Lighting. For all uses within the district, adequate lighting to ensure safe pedestrian and vehicular travel shall be provided. The following standards shall apply.
 - (a) Light fixtures shall be Hexagonal lantern Series L24 luminaire, 175 MH, as manufactured by Lumec.
 - (b) Poles shall be R90Traditional Steel Pole (Black), 16 feet high as manufactured by Lumec. Pole shall come equipped with 120 V duplex receptacle at top and double banner arm. Poles and light fixtures shall be spaced at 100 foot intervals.
- f. Paragraph B is further amended by the addition of the following subparagraph.
 - (6) Sidewalks.

ORDINANCE #765 CONTINUED

- (a) Must be a minimum of 15 feet in width.
- (b) Concrete pavers shall be used and shall be 3-1/8 inch in thickness where used in driveways, roadways and driveway aprons; 2-1/8 inch in thickness where used in sidewalks having a minimum compressing strength of 8,000 psi; a water absorption maximum of 5% and shall meet or exceed ASTM Specifications C-936-82.
- (c) Sub-base in sidewalk areas shall consist of crushed concrete, 6 inches thick topped with 1 inch quarry dust. Sub-base in driveways, roadways and driveway aprons shall consist of concrete sub-base 6 inches thick.
- (d) The concrete pavers shall be installed tightly together on the bedding course with joints not exceeding 1/8 inch. Joint shall be filled with sand or quarry dust, as approved by the Borough Engineer.
- (e) Pavers must have a border on all sides.

(7) Granite Block Curb.

- (a) Granite block shall consist of rectangular paving stones, with slit faces and edges, made from granite complying with ASTM C615, 10 inches tall to 4 to 5 inches deep by 6 to 8 inches wide. The Borough Engineer can supply manufactures.
- (b) Concrete shall be air entraining Portland cement in accordance with ATM Specification C-94, proportioned to have a minimum compressive strength of 4,000 PSI at 28 days (AC1318).
- (c) Set block to provide 6 inch curb face with 5/8 inch mortar joint grooved. Construction detail shall be approved by the Borough Engineer.

(8) Signs

- (a) Permits required. No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without a permit first having been issued by the Construction official. If it appears that the proposed sign is in compliance with all such requirements and laws, the permit shall be issued, but should the work authorized under the permit not be completed within a year after the date of issuance, the permit shall become null and void.
- (b) All nonconforming signs in effect as of the date of the adoption of this amendment to the Zoning Ordinance

ORDINANCE #765 CONTINUED

shall be replaced, remodeled or otherwise brought into conformance or removed within three (3) years of the effective date of this ordinance.

- (c) A non conforming sign shall not be enlarged or replaced by another nonconforming sign.
- (d) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights. All luminous signs, indirectly illuminated signs, and lighting devices shall contain only lights emitting light of constant intensity. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.
- (e) Exposed neon tube in any form is prohibited.
- (f) Channel Letter signs are prohibited.
- (g) Solid back lighted letters are permitted (those lighted by a light source concealed by the letter, reflecting off the surface of the letter).
- (h) Signs shall have no symbol, logo or lettering exceeding 18 inches in height.
- (i) Only one (1) wall sign per establishment shall be permitted unless the establishment has frontage on more than one side or two finished fronts.
- (j) The total area for wall signage on the 1st floor shall not exceed two (2) square feet for each linear foot of the building frontage attributable to the particular business or businesses which the sign will identify or 100 square feet, whichever is less.
- (k) The total area for wall signage on the 2nd floor shall not exceed one (1) square foot for each linear foot of the building frontage attributable to the particular business or businesses which the sign will identify or 50 square feet, whichever is less.
- (l) One (1) awning sign shall be permitted for each window or door of the façade covered by the awning. Any sign (logo and /or lettering) on an awning shall not exceed 25% of the exterior surface of the awning. There shall be no other specific restriction on the size or height of the lettering or logo.
- (m) All awnings on a structure must be of the same color.
- (n) Awnings must be fastened to the building and not supported from the ground: shall not exceed seven (7) feet from the façade and no portion of the awning shall be nearer than eight (8) feet from the ground.

- (o) An establishment may have both wall and awning signage.
- (p) No window sign shall be affixed to the exterior of the window. All exterior signs shall be classified as wall signs.
- (q) The only window signs permitted are those permanently painted onto the glass stating the name of or the nature of the business. Said window sign shall not exceed 30% or 100 square feet, whichever is less of the area of the window.
- (r) No more than three (3) colors should be used and should match either the background or trim color of the structure it serves.
- (s) Free standing signs are prohibited.

(9) Public Spaces. To add to the charm of the streetscape, public spaces (parks, greens, commons, squares, plazas) can enhance the ambiance and add further diversity to the mix of uses found there. The park area could be used as the focal point of the neighborhood providing a haven of rest and relaxation. A fountain, gazebo or clock or a kiosk that communicates the happenings of the community could be done as a pocket park.

3. SCHEDULE I PERMITTED LAND USES FOR R AND V-C DISTRICTS is amended as follows:

V-C Village Center

Permitted Principal Uses

Permitted 1st floor uses:

Retail stores and service establishments, including, but not limited to, drug store, the sale of gifts, antiques, flowers, books, jewelry, wearing apparel, craft shops making articles for retail sale on the premises, specialty food shops.

Banks, travel, real estate and insurance offices.

Museums, galleries and studios for dance, art, music, photography, radio or television.

Fully enclosed restaurants and drinking establishments with or without outdoor dining areas. A maximum of 25% professional and/or medical/dental office.

Grocery stores in excess of 5,000 square feet. Drive-in or drive-thru restaurants and drive-thru drug stores are prohibited.

Permitted 2nd floor uses:

ORDINANCE #765 CONTINUED

General business and professional offices, medical/dental offices, studio or one and two bedroom residential apartments.

Permitted 3rd floor uses:

Studio and one bedroom apartments.

No more than 25% of the footprint can contain a third floor.

General requirements:

1st floor area: Minimum 1,200 square feet, maximum 5,000 square feet per unit.

Residential units must have minimum square footage of 800 square feet.

Permitted Accessory Uses (No change)

Special Exception Uses (No change)

4. All provisions of the ordinance being amended herein which are not modified by this Ordinance shall remain in full force and effect.

5. This ordinance shall take effect following final passage and publication as provided by law.

Approved by Mayor and Council 7/17/03.

PATRICIA L. VARCA, RMC
BOROUGH CLERK

ORDINANCE #766

**AN ORDINANCE TO AMEND
AN ORDINANCE ENTITLED THE "BOROUGH OF
OCEANPORT UNIFORM CONSTRUCTION CODES
ORDINANCE" PASSED AND APPROVED ON MARCH 2, 1995**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey that the ordinance entitled the "Borough of Oceanport Uniform Construction Codes Ordinance" passed and approved on March 2, 1995, be amended as follows:

1. Section 30-3, Paragraph C, Subparagraph (1) is amended to increase the new construction fee from two and five-tenths cents (\$0.025) per cubic foot of volume to two and seven-tenths (\$0.027) per cubic foot of volume.
2. Section 30-3, Paragraph H, Subparagraph (1) is amended to increase the fee for a demolition or removal permit from fifty dollars (\$50.00) to seventy-five dollars (\$75.00).
3. Section 30-3, Paragraph H, Subparagraph (4) is amended to increase the minimum fee for a certificate of occupancy for new construction from sixty dollars (\$60.00) to seventy-five dollars (\$75.00).
4. Section 30-3, Paragraph H, Subparagraph (6) is amended to increase the fee for a certificate of continued occupancy from thirty-five dollars (\$35.00) to forty dollars (\$40.00).
5. Section 30-3, Paragraph H, Subparagraph (8) is amended to increase the fee for a certificate of approval or a certificate of compliance from twenty-five dollars (\$25.00) to forty dollars (\$40.00).
6. Section 30-3, Paragraph I, Subparagraph (1) is amended to increase the surcharge fee from \$.0019 per cubic foot of volume of new construction to \$.00265 per cubic foot and to increase the fee for all other construction from \$0.96 per \$1,000 of value of the construction to \$1.35 per \$1,000 of value.
7. All provisions of the ordinance being amended herein which are not modified by this Ordinance shall remain in full force and effect.
8. This ordinance shall take effect following final passage and publication as provided by law.

Approved 8/21/03

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #767

**AN ORDINANCE TO AMEND AN ORDINANCE
ENTITLED THE "RECREATION COMMITTEE ORDINANCE
OF THE BOROUGH OF OCEANPORT"
PASSED AND APPROVED ON JANUARY 20, 1977**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That Section 17-2 **Composition; appointment; terms of office; vacancies** of the "Recreation Committee Ordinance of the Borough of Oceanport" passed and approved on January 20, 1977 be amended to read as follows:

Section 17-2. Composition; appointment; terms of office; vacancies.

The Recreation Committee of the Borough of Oceanport shall be composed of thirteen (13) members, who shall be residents of the borough and who shall be selected and appointed as follows: five (5) members for a term of one (1) year each, four (4) members for a term of two (2) years each and four (4) members for a term of three (3) years each. Thereafter, all appointments shall be for the term of three (3) years, and members shall serve until their respective successors shall be appointed. Vacancies in the membership of the Committee, occurring for whatever cause, shall be filled for the unexpired term. In selecting and appointing members, the Mayor and Council shall take into consideration recommendations made by the Recreation Committee. These recommendations shall be based on the following goals: four (4) appointments shall be made available to the sports associations, with any given association having a maximum of two (2) members on the Committee; one (1) appointment shall be made available to a senior citizen, and eight (8) appointments shall be for members at large. If no one is available to fill either the sports associations or the senior citizen appointments, such positions shall be filled by members at large. When other vacancies occur, they shall be offered to the sports associations and senior citizen candidates in that order until the recommended number of appointments is attained for each category. The Mayor and Council shall also designate two (2) Council liaisons to the Committee, who shall serve without voting privileges.

~~2. All provisions of the ordinance being amended herein which are not modified by this Ordinance shall remain in full force and effect.~~

3. This ordinance shall take effect following final passage and publication as provided by law.

Approved 8/21/03

PATRICIA L. VARCA
BOROUGH CLERK

#768

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE
ENTITLED THE "FIRE DEPARTMENT ORDINANCE
OF THE BOROUGH OF OCEANPORT"
PASSED AND APPROVED ON DECEMBER 2, 1920

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey as follows:

1. That Section 8-4 **Annual meeting** of the "Fire Department Ordinance of the Borough of Oceanport" passed and approved on December 2, 1920 be amended to read as follows:

Section 8-4. **Annual meeting.**

- A. The Fire Department, at its annual meeting in December, shall elect the Fire Chief, First Assistant Chief and Second Assistant Chief of the Borough, each of whom shall serve for a term of one (1) year. A simple majority vote of those present at said annual meeting shall be required to elect said Fire Chief and Assistant Chiefs. The offices of Fire Chief and Assistant Chiefs shall be filled on a rotational basis from the Oceanport Hook & Ladder Co. and the Port-Au-Peck Chemical Hose Co. from among the qualified officers of those companies. No candidate may be nominated and certified to run for Chief or Second Assistant Chief from the outgoing Chief's fire company for one (1) year from the time of completion of their services as Chief. A qualified officer for Fire Chief or Assistant Chief must be an active or exempt member who has been either a Captain or an Ex-Captain for either fire company and who satisfies the requirements of the New Jersey Fire Safety Act or any other fire related training requirements the Oceanport Borough Fire Committee deems necessary.
- B. Only residents of the Borough of Oceanport may be elected to and hold any of the Departmental offices enumerated herein. When any Departmental officer moves from the Borough, he shall cease to be an officer of the Fire Department.
- C. In the event that the Borough Fire Chief or Assistant Chiefs vacate their office for any reason, an ex-Chief shall be elected from the same fire company as a replacement.
- D. In the event that the Oceanport Hook and Ladder Co. or Port-Au-Peck Chemical Hose Co. do not nominate and certify a qualified Chief or Assistant Chief, the alternate company shall nominate and certify a Chief or Assistant Chief. The rotation process shall continue the following year.

- E. When a Departmental officer ceases, for any reason whatsoever, to be a Departmental Officer, he shall promptly return all Borough property in his possession.
 - F. All Departmental officers shall be subject to the applicable provisions of the Borough of Oceanport Personnel Policy Ordinance (Chapter 13 of the Oceanport General Code).
2. That Section 8-4.1 **Fire committee; creation and purpose** be added to the said Ordinance as follows:

Section 8-4.1 Fire committee; creation and purpose.

- A. Annually, the Fire Department shall establish the Borough of Oceanport Fire Committee. The Fire Committee shall be comprised of all line officers of Oceanport Hook & Ladder Co. and Port-Au-Peck Chemical Hose Co. In addition, the immediate Ex-Fire Chief, Fire Marshall, fire Police Captain, OEM Director, and one (1) member from the Executive Board of each fire company shall serve on the Fire Committee.
 - B. The OEM Director and Executive Board members shall be non-voting advisors to the Fire Committee
 - C. The Fire Committee shall be headed by the current Fire Chief.
 - D. The purpose of the Fire Committee shall be to formulate policy subject to the approval of the Oceanport Hook & Ladder Co. and the Port-Au-Peck Chemical Hose Co.
3. That Section 8-4.2 **Fire Police; appointment, term of office and duties** is hereby added as follows:

Section 8-4.2 Fire Police; appointment, term of office and duties

- A. At the first annual reorganization meeting of the Borough Council occurring after final passage of this Ordinance, The Borough Council shall appoint not more than eighteen (18) fire police officers who shall be members of either the Port-Au-Peck Chemical Hose Co. or the Oceanport Hook and Ladder Co. Prior to the reorganization meeting, each fire company shall nominate from among its membership not more than nine (9) members who shall possess and satisfy the qualifications required by N.J.S.A. 15:8-4 and any subsequent amendments of said statute. In the event one fire company is unable to nominate from among its membership a sufficient number of persons to serve as fire police officers, the other fire company may nominate additional qualified members to achieve the total number of fire police officers permitted by the Ordinance.

- B. In addition to the qualifications hereinabove set forth, all fire police officers shall have been certified by the State of New Jersey and the Monmouth County Fire Academy or equally qualified school. Copies of the certificates of qualification for each appointee shall be filed with the Oceanport Police Chief.
 - C. Upon their appointment, fire police officers shall serve for a term of five (5) years from the date of appointment and during such term, they shall exercise and perform such duties as shall be provided in N.J.S.A. 15:8-4 or any subsequent amendment thereto.
 - D. In the event that a vacancy shall occur in the position of a fire police officer, such vacancy arising from any cause whatsoever, the vacancy shall be filled by appointment of a qualified member from the same fire company in which the vacating fire police officer was a member and such appointee shall serve for the remainder of the term of the vacating fire police officer.
 - E. All fire police officers shall be under the control and supervision of the incident commander of the Oceanport Fire Department whenever performing any fire related duties. However, whenever fire police officers are dispatched to assist in non-fire related activities, they shall be under the control and supervision of the incident commander of that activity.
 - F. All other provisions of N.J.S.A. 15:8-4, and any subsequent amendments thereto, are hereby incorporated in and made a part of this Ordinance.
- 4. All provisions of the ordinance being amended herein which are not modified by this Ordinance shall remain in full force and effect.
 - 5. This ordinance shall take effect following final passage and publication as provided by law.

Approved 11/6/2003

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #769
BOND ORDINANCE APPROPRIATING \$484,228.
AND AUTHORIZING THE ISSUANCE OF \$460,016
BONDS OR NOTES OF THE BOROUGH FOR VARIOUS
IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE BOROUGH OF OCEANPORT,
IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Oceanport, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein sated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore, and amounting to the aggregate to \$484,228. including the aggregate sum of \$24,212. as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and not available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$484,228. appropriations not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$460,016. pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes negotiable notes of the Borough in a principal amount not exceeding \$460,016. are hereby authorized to be issued pursuant to and within the limitations prescribed by said law. All such notes shall mature at such times as may be determined by the chief financial officer or such other financial officer designated by the resolution for this purpose (both being hereafter referred to in this section as the "chief financial officer"); provided that no notes shall mature later than one year from its date. The notes shall be conclusive as to such determination. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof for payment therefore. Such officer is authorized and directed to report in writing to their governing body of the Local Unit at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser. Such officer is further directed to determine all matters in connection with said notes not determined by this ordinance and his signature upon said notes shall be conclusive as to such determination. All notes issued hereunder may be renewed from time to time for periods of not exceeding one (1) year for the time period specified in and in accordance with the provisions of N.J.S.A. 40A:2-8(a).

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for such purpose, is as follows;

Bond Ordinance 769
Continued

| <u>Improvements</u> | <u>Appropriations Estimated Cost</u> | <u>Estimated</u> | | <u>Maximum Amount of Bonds or Notes</u> |
|---------------------------------------|--|---|-------------|---|
| | | <u>Capital Improvement Fund</u> | <u>Fund</u> | |
| 1. Fire Department Equipment | 78,000.00 | | 3,900.00 | 74,100.00 |
| 2. Police Car Camera | 7,728.00 | 387.00 | | 7,341.00 |
| 3. Phone System | 20,000.00 | 1,000.00 | | 19,000.00 |
| 4. Road Improvements | 200,000.00 | 10,000.00 | | 190,000.00 |
| 5. Pick-up Truck w/ Plow | 34,000.00 | 1,700.00 | | 32,300.00 |
| 6. Trinity Fountain & Tables | 4,500.00 | 225.00 | | 4,275.00 |
| 7. Community Center Renovations | 4,000.00 | 200.00 | | 3,800.00 |
| 8. Fencing-Recycling | 15,000.00 | 750.00 | | 14,250.00 |
| 9. Emergency Management Radio Station | 20,000.00 | 1,000.00 | | 19,000.00 |
| 10 Radio | 2,000.00 | 100.00 | | 1,900.00 |
| 11. Vehicle | 28,000.00 | 1,400.00 | | 26,600.00 |
| 12. Projectors & Laptop | 2,800.00 | 140.00 | | 2,660.00 |
| 13. Portable Sign | 18,200.00 | 910.00 | | 17,290.00 |
| 14. Engineering | 50,000.00 | 2,500.00 | | 47,500.00 |
| TOTALS ALL PROJECTS | \$484,228.00 | \$24,212.00 | | \$460,016.00 |

The excess of the appropriation made for the improvements or purposes aforesaid over the estimated amount of bonds or notes to be issued therefore, as above stated, in the amount of the said down payment for said purpose. All funds to be received from the Program shall be used to satisfy the obligations incurred pursuant to the terms of this Ordinance.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- a. The said purposes described in Section 3 of this bond ordinance are not current expenses and are each a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- b. The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by the bond ordinance is 15 year;
- c. The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said law is increased by the authorization for the bonds and notes provided for in this bond ordinance by \$484,228. and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said law.
- d. Amounts not exceeding \$48,000.00 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included in the foregoing estimate thereof.

Bond Ordinance 769
Continued

Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of principal and of interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for payment of said obligations and interest thereon without limitation of rate or amount.

Section 6. The debt authorized by this bond ordinance may be satisfied by monies received from the sale of municipal property.

Section 7. This bond ordinance shall take effect 20 days after the first publication after final adoption as provided by said Local Bond Law.

Adopted by the Mayor and Council on March 4, 2004.

PATRICIA L. VARCA, RMC
BOROUGH CLERK

**ORDINANCE #770
ORDINANCE AMENDING BOND ORDINANCE #761
ENTITLED "BOND ORDINANCE APPROPRIATING \$661,560. AND
AUTHORIZING THE ISSUANCE OF \$628,482. BONDS OR NOTES OF THE
BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE
UNDERTAKEN BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF
MONMOUTH, NEW JERSEY**

BE IT ORDAINED by the Borough Council of the Borough of Oceanport, in the County of Monmouth, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

That Section 4 of this ordinance be amended for the line item Street Improvements as listed below:

Street Improvements including the rear parking lot of Borough Hall

This amendment shall take effect following public hearing and final advertisement of same.

Approved by the Mayor and Council March 4, 2004

PATRICIA L. VARCA, RMC
BOROUGH CLERK

ORDINANCE 771
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2004 unless otherwise stated, be and the same is hereby amended to read as follows:

A. ADMINISTRATIVE AND EXECUTIVE

| | |
|--------------------------|-----------|
| Mayor | \$ 1,500. |
| Councilpersons, each (6) | \$ 1,500. |
| Borough Clerk | \$74,675. |
| Deputy Borough Clerk | \$45,240. |

B. FINANCIAL ADMINISTRATION

| | |
|--------------------------------|-----------|
| Chief Financial Officer | \$28,100. |
| Accounts Payable/Payroll Clerk | \$19,470. |

C. BOARD OF ASSESSORS

| | |
|----------------------|-----------|
| Assessor | \$19,600. |
| Assessor's Assistant | \$ 1,250. |

D. COLLECTION OF TAXES

| | |
|------------------|-----------|
| Tax Collector | \$49,865. |
| Tax Office Clerk | \$26,300. |

E. MUNICIPAL COURT

| | |
|----------------------------------|-----------|
| Municipal Court Judge | \$15,610. |
| Court Administrator | \$31,650. |
| Court Assistant-Hourly rate \$15 | \$ 1,500. |
| Municipal Prosecutor | \$ 9,000. |
| Public Defender | \$ 2,500. |

F. LEGAL SERVICES

| | |
|------------------|-----------|
| Borough Attorney | \$ 3,500. |
|------------------|-----------|

G. PLANNING BOARD

| | |
|-------------------------|-----------|
| Planning Board Attorney | \$ 5,000. |
|-------------------------|-----------|

Ordinance 771 continued

H. POLICE DEPARTMENT

| | |
|--------------------|-------------|
| Chief | \$96,000. |
| Captain | \$81,176.** |
| Detective Sergeant | \$79,086.** |
| Sergeants, each | \$76,997.** |
| Detective | \$74,907.** |

| | 03 New* | 03 Present |
|--|-----------|-------------|
| Patrolman I (commencing fifth year of service and each year thereafter) | \$72,817. | \$72,817.** |
| Patrolman II (commencing fourth year of service) | \$64,369. | \$65,932.** |
| Patrolman III (commencing third year of service) | \$55,920. | \$59,050.** |
| Patrolman IV (commencing second year of service) | \$47,472. | \$52,165.** |
| Patrolman V (commencing first year of service) | \$39,024. | \$43,047.** |
| Probationary Trainee | \$30,576. | |

*New 03 salaries apply to all Patrolmen hired after 01/01/01 and thereafter

**Indicates 2003 salaries – new contract under negotiation

Dispatchers:

| | |
|--|-----------|
| Third year of employment and each year thereafter | \$40,350. |
| Second year of employment | \$35,790. |
| First year of employment | \$32,980. |
| Records Clerk | \$ 3,860 |
| School Crossing Guards, each | \$ 8,070. |

I. PUBLIC WORKS & RECYCLING DEPARTMENT

| | |
|----------------|-----------|
| Superintendent | \$55,000. |
| Foreman | \$48,000. |
| Helper I | \$29,120. |
| Helper II (A) | \$28,080. |
| Helper II (B) | \$28,080. |
| Helper III | \$25,000. |

J. RECREATION AND EDUCATION

| | |
|---|-----------|
| Recreation Coordinator | \$10,000. |
| Action Camp Director | \$ 3,000. |
| Recreation Aides & Assistants, total | \$16,400. |
| Building Custodian | \$ 1,740. |
| Community Center/Old Wharf House reservations | \$ 500. |
| Library Aide | \$ 1,600. |
| Construction Official | \$21,860. |
| FEMA Application Prep Work | \$ 1,600. |
| Building Inspector | \$10,765. |
| Plumbing SubCode Official | \$ 6,780. |
| Housing Inspector | \$ 4,415. |
| Fire SubCode Official | \$ 3,715. |
| Fire Marshal | \$ 3,450. |
| Building SubCode Official | \$ 6,010. |

Ordinance 771 continued

| | |
|----------------------------|-----------|
| Zoning Enforcement Officer | \$ 5,170. |
| Control Person | \$ 7,555. |

K. BOARD OF HEALTH

| | |
|-----------|-----------|
| Registrar | \$ 1,390. |
| Secretary | \$ 500. |

L. EMERGENCY MANAGEMENT

| | |
|----------------------------------|-----------|
| Emergency Management Coordinator | \$ 3,000. |
|----------------------------------|-----------|

M. PUBLIC SAFETY COMMITTEE

| | |
|---------------------------|-----------|
| Public Safety Coordinator | \$ 3,000. |
|---------------------------|-----------|

N. CASUAL LABOR \$8.00 - \$20.00 per hour

O. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 2004:

| | |
|-------------------------------------|-----------|
| 6 through 10 years of service----- | \$ 900. |
| 11 through 15 years of service----- | \$ 1,350. |
| 16 through 20 years of service----- | \$ 1,800. |
| 21 through 25 years of service----- | \$ 2,250. |
| 25 years of service and above----- | \$ 2,700. |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Approved by the Mayor and Council March 4, 2004.

PATRICIA L. VARCA, RMC
BOROUGH CLERK

772
3-4-04

**AN ORDINANCE ESTABLISHING THE
PUBLIC SAFETY ADVISORY COMMITTEE OF THE
BOROUGH OF OCEANPORT**

§ 4B-1. Title.

This ordinance shall be known and may be cited as the "Public Safety Advisory Committee Ordinance of the Borough of Oceanport, New Jersey."

§ 4B-2. Establishment.

There is hereby established and created a committee of the Borough of Oceanport to be known as the "Public Safety Advisory Committee of the Borough of Oceanport".

§ 4B-3. Purpose, Powers, and Duties.

The Oceanport Public Safety Advisory Committee of the Borough of Oceanport is created to effectuate the following purposes:

- To ensure that the Borough's public safety needs are sufficiently addressed and coordinated;
- To ensure that the Borough's public safety assets are appropriately maintained, distributed, and utilized;
- To ensure all individual components of the Borough's Emergency Management Services are appropriately funded within the confines of prevailing budgets; and
- To promote, protect, and advance the emergency management needs of the Borough of Oceanport and its residents.

The specific duties of the Committee shall include, but are not limited to, the following:

- To monitor the budgetary needs of all individual components of the Borough's emergency service departments;
- To monitor the expenditures of all individual components of the Borough's emergency service departments;
- To maintain and monitor a list of the Borough's public safety assets;

- To develop strategic priorities and a financial plan so that the Borough's emergency service departments can sufficiently meet the ever-changing public safety needs of the Borough. Such a financial plan shall include the following:
 - Measuring the useful life of the Borough's existing emergency assets;
 - Identifying new emergency assets the Borough may need to acquire;
 - Identifying the cost to update existing emergency assets and/or to obtain new/replacement emergency assets;
 - Identifying any cost saving measures (including inter-local service agreements with other municipal entities) the Borough can possibly employ in the operation of its emergency service departments;
- To explore and develop methods by which the Borough of Oceanport, other municipalities, and Fort Monmouth can better coordinate emergency services;
- To ensure that the operation of the Borough's emergency service departments are properly coordinated with applicable County, State, and federal agencies;
- To assist the Borough's individual emergency service departments (i.e. Fire Departments, First Aid Squad, and Police Department) in preparing annual budget requests;
- To make recommendations to the Mayor and Council on how the Borough's superior record of providing emergency services can be maintained/improved;
- To undertake any other emergency-related measures as the Borough Council may determine.
- The Chairperson shall promptly prepare and submit written quarterly reports to the Mayor and Council.

§ 4B-4. Composition.

The Oceanport Public Safety Advisory Committee shall consist of 7 members, comprised as follows:

1. Police Chief, who shall serve as Chairman of the Committee
2. Fire Chief
3. First Aid Captain
4. Borough's Emergency Management Coordinator
5. Borough's Superintendent of Public Works
6. The Borough's Mayor, or his/her designee
7. The Deputy Borough Clerk, who shall also serve as the Committee's recording secretary

§ 4B-5. Oath of Office.

Each member of the Committee shall, before assuming office, take and subscribe an oath that he or she will faithfully and impartially discharge the duties of such office.

§ 4B-6. Meetings.

The Oceanport Public Safety Advisory Committee shall meet a minimum of four (4) times per calendar year. Unless the Committee reasonably determines otherwise, the meetings shall occur in February, May, August, and November. (Note: nothing contained herein shall prevent the Committee from meeting more frequently, if necessary.) Minutes of each meeting shall be promptly prepared, maintained, and adopted and, upon adoption, shall be promptly forwarded to the Mayor and Borough Council. Unless otherwise waived by all those individuals then serving on the Committee, a minimum of 7 days written notice of each meeting shall be presented to Committee members.

§ 4B-7. Quorum.

A majority of the members shall constitute of quorum of the Committee.

§ 4B-8. Compensation.

The Chairperson of the Oceanport Public Safety Advisory Committee shall receive an annual salary of \$3,000.00; there shall be no salary for the remaining members.

The members of the Public Safety Advisory Committee shall be nominated by the Mayor and confirmed by the vote of the Council.

Unless otherwise removed, each member of the Public Safety Advisory Committee shall serve for a 1 year period, or until their successors are qualified and appointed. (Notwithstanding anything contained herein to the contrary, in 2004, the year the Public Safety Advisory Committee is created all terms will expire on December 31, 2004.)

§ 4B-10. Removal from Office.

For good cause, the Borough Council may remove a member from the Public Safety Advisory Committee.

§ 4B-11. Liability.

Nothing in this ordinance shall be construed to make the Committee or any member thereof liable for the death or injury of any person or for any injury to any property.

§ 4B-12. Severability.

If any section, paragraph, sentence, clause, phrase, or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify this ordinance, as a whole or any part thereof, other than the part immediately involved in the controversy in which such judgment shall be rendered, and to this end, the provisions of this ordinance are hereby declared to be severable.

§ 4B-13. Availability of Funds.

The within Ordinance shall be subject to the Borough's Chief Financial Officer confirming that funds are available for the stated purpose.


§ 4B-14. Repealer.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

§ 4B-15. When Effective

The within ordinance shall take effect upon final passage and publication according to law.

Approved:


MARIA GATTA, MAYOR

Dated: March 4, 2004

ORDINANCE #773**AN ORDINANCE AUTHORIZING THE BOROUGH OF OCEANPORT TO PURCHASE, FOR NOMINAL CONSIDERATION, THE PROPERTY IDENTIFIED AS BLOCK 88, LOT 26.04 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF OCEANPORT**

WHEREAS, the Borough of Oceanport is a duly organized municipal corporation, with principal offices located at 222 Monmouth Boulevard, Oceanport, NJ 07757; and

WHEREAS, the New Jersey Sports and Exposition Authority (NJSEA) is the Owner of the 5.996 acre property (vacant) identified as Block 88, Lot 26.04, Oceanport, New Jersey, as referenced on the Final Major Subdivision Map (Case No. 289, sheet 15), prepared by Birdsall Engineering, dated January 13, 2003, filed on April 21, 2003 in the Monmouth County Clerk's Office.

WHEREAS, the NJSEA has conditionally agreed to sell the said property to the Borough of Oceanport for nominal consideration; and

WHEREAS, the Borough of Oceanport desires to utilize the said property for compost facility and/or other municipal purposes; and

WHEREAS, the Borough of Oceanport believes that the acquisition of the said property, for nominal consideration, is in the best interest of the Borough and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport in the County of Monmouth, State of New Jersey.

1. That the Borough of Oceanport is hereby authorized to purchase the property identified as Block 88, Lot 26.04, Oceanport, New Jersey.
2. That the purchase shall be for nominal consideration.
3. That the Mayor, Clerk Borough, Attorney, and other appropriate municipal representatives are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Ordinance, including, but not limited to, the Contract of Sale and the closing statement.
4. That the Borough Attorney is hereby authorized to obtain title insurance on the property so as to ensure that the Borough obtains good and marketable title.
5. That the Contract of Sale and any other transferring documents shall be approved as to form the Borough Attorney.

APPROVED APRIL 1, 2004
ADOPTED APRIL 15, 2004

PATRICIA L. VARCA, RMC
BOROUGH CLERK

ORDINANCE #774

**ORDINANCE AMENDING BOND ORDINANCE #769
ENTITLED "BOND ORDINANCE APPROPRIATING \$484,228. AND
AUTHORIZING THE ISSUANCE OF \$460,016. BONDS OR NOTES OF THE
BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE
UNDERTAKEN BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF
MONMOUTH, NEW JERSEY**

BE IT ORDAINED by the Borough Council of the Borough of Oceanport, in the County of Monmouth, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

That Section 3 of this ordinance be amended for the line item Fencing-Recycling as listed below:

Roof repairs to Borough Hall

This amendment shall take effect following public hearing and final advertisement of same.

APPROVED: MAY 20, 04
ADOPTED: JUNE 3, 04

PATRICIA L. VARCA, RMC
BOROUGH CLERK

#775

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 11-2
(UTILIZATION OF FUNDS) OF CHAPTER 11 (OPEN SPACE DEDICATED
TRUST FUND) OF THE CODE OF THE BOROUGH OF OCEANPORT**

WHEREAS, on or about March 1, 2001, the Borough Council of the Borough of Oceanport adopted an Ordinance defining how open space dedicated trust funds can be utilized; and

WHEREAS, as the Borough of Oceanport has added additional open space areas and additional recreational lands to its inventory, it is necessary to review and update the spending regulations so as to ensure that Borough open spaces/parks are sufficiently acquired, maintained, and improved; and

WHEREAS, it is believed that appropriate maintenance of the said open spaces/ recreational grounds will allow open spaces to flourish, for future generations;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport as follows:

1. That Section 11-2 of the Code of the Borough of Oceanport shall be amended and supplemented as follows:

Note: additions are underlined while deletions are denoted in ~~strikeout~~.

- A. The open space dedicated trust fund shall be funded through the dedication to the fund of an amount of \$0.01 \$0.02 per \$100.00 of assessed valuation of each annual tax levy commencing with the year 2002. The funds shall also be permitted to accept donations and testamentary bequests.
- B. ~~The funds accumulated within the trust fund may be utilized only for costs incurred regarding the acquisition of land for open space purposes; the construction and maintenance of improvements thereon and thereto, and the acquisition of development rights in land to be utilized for active and passive recreation, including appraisal costs and~~

~~other items of expense permitted by law in connection with the acquisition or as a down payment of the issuance of bonds for the same purpose at the discretion of the Borough Council. The Borough Council is to determine the properties or development rights to be acquired by gift, purchases or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., within the financial constraints it establishes.~~

B. Unless otherwise prohibited per prevailing regulations of the Department of Environmental Protection/Green Acres Division, (as may be amended from time to time) the funds accumulated within the trust fund shall only be utilized for the following purposes:

- Costs incurred in connection with the acquisition of land for open space purposes;
- Costs incurred in connection with the acquisition of land for passive or active recreational purposes;
- The construction and maintenance of improvements on/upon/in open space lands and/or recreational lands;
- Labor, equipment, and related costs associated with the acquisition, construction, ordinary maintenance, and improvement of open space lands and/or recreational lands;
- Acquisition of development rights (in lands of others) to be utilized for active and/or passive recreational purposes;
- Reasonable and necessary costs incidental to the aforesaid purposes, including but not limited to, appraisal costs, engineering costs, attorney fees, bond issuance costs, and other reasonable and lawful expenses.

The Borough Council is to determine the properties or development rights to be acquired by gift, purchases or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., within the financial constraints it establishes.

2. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. That the within Ordinance shall become effective upon adoption and passage, according to law.

APPROVED June 17, 2004
ADOPTED July 22, 2004

PATRICIA L. VARCE, RMC
BOROUGH CLERK

#776

**ORDINANCE AMENDING BOND ORDINANCE #769
ENTITLED "BOND ORDINANCE APPROPRIATING \$484,228. AND
AUTHORIZING THE ISSUANCE OF \$460,016. BONDS OR NOTES OF THE
BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE
UNDERTAKEN BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF
MONMOUTH, NEW JERSEY**

BE IT ORDAINED by the Borough Council of the Borough of Oceanport, in the County of Monmouth, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

That Section 3 of this ordinance be amended for the line item pick-up truck with plow to the following:

Public Works Department equipment

This amendment shall take effect following public hearing and final advertisement of same.

Approved: June 17, 2004

Adopted: July 22, 2004

PATRICIA L. VARCA, RMC
BOROUGH CLERK

#777

**AN ORDINANCE APPROPRIATING MONIES FOR THE
PURCHASE OF EQUIPMENT FOR THE MAINTENANCE OF
THE PROPERTY ACQUIRED UNDER THE OPEN SPACE TAX
FUNDS**

BE IT ORDAINED by the Governing Body of the Borough of Oceanport that the following appropriation be made to fully fund the purchase of the following listed equipment to maintain the property acquired using the Open Space Tax funds, known as Block 88, Lot 26.02 more commonly known as the "soccer fields":

\$41,484 Tractor, aerator and auger

BE IT FURTHER ORDAINED this ordinance take effect upon final passage and publication as required by law.

APPROVED: JUNE 17, 2004

ADOPTED: JULY ~~26~~
22, 2004

PATRICIA L. VARCA, RMC
BOROUGH CLERK

#778

**AN ORDINANCE AMENDING THE FINES AND PENALTIES
FOR VARIOUS MUNICIPAL OFFENSES**

WHEREAS, the Borough Council of the Borough of Oceanport previously established fines and penalties for various municipal offenses; and

WHEREAS, it is prudent to periodically review the fines/penalties levied by other municipalities; and

WHEREAS, a review of the matter indicates that it is now appropriate to modify the existing fines/penalties.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport as follows:

1. That the existing fines/penalties associated with various municipal matters are modified as follows: (note: additions are noted by underlining and deletions are denoted by ~~strikeout~~.)
2. That all ordinance or parts of ordinances inconsistent herewith are hereby repealed.
3. That upon adoption and passage according to law, the Borough Clerk shall forward a certified copy of the within ordinance to the following individuals:
 - A. Municipal Judge
 - B. Municipal Prosecutor
 - C. Municipal Public Defender
 - D. Municipal Court Clerk
 - E. Chief Financial Officer
 - F. Borough Attorney
 - G. Chief of Police

APPENDIX - A -

BOROUGH OF OCEANPORT MUNICIPAL ORDINANCES
PAYABLE vs NON-PAYABLE OFFENSES

| ORD NO. | DESCRIPTION | FINE | NOT TO EXCEED | PAYABLE AT VIOLATIONS BUREAU? |
|----------|---|-------|----------------------------|-------------------------------|
| 34-1 | DOG LICENSE REG. | \$25 | <u>\$200</u> | YES |
| 34-3 | RESTRAINING REQ | \$50 | <u>\$250</u> | YES |
| 34-5 | NOISE NUISANCE | \$50 | <u>\$250</u> | YES |
| 34-14 | CAT LICENSE | \$25 | <u>\$200</u> | YES |
| 37-10 | FIRE LANE PARKING | \$55 | <u>\$250</u> | YES |
| 42A-2 | LITTERING | \$100 | <u>\$500</u> | YES |
| 42A-3 | ILLEGAL DUMPING | \$150 | <u>Not to exceed \$500</u> | YES |
| 43A-6.1 | DROPPING OFF RECYCLABLES BY NON- RESIDENT | \$50 | <u>\$200</u> | YES |
| 44A-2A | USING TENNIS COURTS | \$47 | <u>\$200</u> | YES |
| 44A-2B | PARKING AT RINK | \$47 | <u>\$200</u> | YES |
| 45-1 | INDECENT OR LEWD ACT | \$150 | <u>\$500</u> | NO* |
| 45-1(2) | DISROBE IN VEHICLE | \$150 | <u>\$500</u> | YES |
| 45-1(6) | LOITER OR UTTER OBSENE | \$150 | <u>\$500</u> | NO* |
| 45-1(7) | UNNECESSARY NOISE | \$150 | <u>\$500</u> | YES |
| 45-1(8) | LITTERING/DISCARDING | \$100 | <u>\$500</u> | YES |
| 45-1(18) | INTOXICATED/DISORDERLY | \$250 | <u>\$750</u> | NO* |
| 45-1A(1) | URINATING IN PUBLIC | \$150 | <u>\$500</u> | YES |
| 64-1.1 | OVERNIGHT PARKING | \$25 | <u>\$200</u> | YES |
| 64-33 | NO PARKING | \$47 | <u>\$200</u> | YES |
| 64-34 | NO STOPPING/STANDING IN | \$25 | <u>\$200</u> | YES |
| 64-35 | NO STOPPING/STANDING | \$47 | <u>\$200</u> | YES |
| 64-36 | TIME LIMIT PARKING | \$47 | <u>\$200</u> | YES |
| 64-37 | NO PARKING/SNOW EMER. | \$25 | <u>\$200</u> | YES |
| 64-38 | TRUCKS OVER 4 TONS EXC. | \$47 | <u>\$200</u> | YES |
| 64-39 | ONE WAY STREETS | \$47 | <u>\$200</u> | YES |
| 64-40 | THROUGH STREETS | \$47 | <u>\$200</u> | YES |
| 64-41 | STOP INTERSECTIONS | \$47 | <u>\$200</u> | YES |
| 64-42 | YIELD INTERSECTIONS | \$47 | <u>\$200</u> | YES |

APPROVED: June 17, 2004

ADOPTED: July 22, 2004

OR ORDINANCE #779

**AN ORDINANCE AUTHORIZING THE BOROUGH OF OCEANPORT TO
RENEW A LEASE WITH THE OCEANPORT LIONS SWIM CLUB, INC.**

WHEREAS, the Borough of Oceanport is the owner of the property located on the westerly side of Port-au-Peck Avenue, which is situated in Black Berry Bay Park; and

WHEREAS, within the said Park there is located what is commonly known as the Oceanport Lions Swim Club; and

WHEREAS, the Borough of Oceanport previously leased a portion of the said property to the Oceanport Lions Swim Club, Inc., a non-profit corporation of the State of New Jersey; and

WHEREAS, the description of the leased portion of the property is set forth on the attached Legal A description; and

WHEREAS, pursuant to the said Lease, the Swim Club offered bathing and other recreational facilities at the site; and

WHEREAS, the aforementioned bathing and recreational facilities were offered for members of the Oceanport Lions Swim Club, who generally are either residents of the Borough of Oceanport, members of the Swim Club, or individuals sponsored by the members of the Swim Club; and

WHEREAS, the Borough Council of the Borough of Oceanport finds that the purposes for which the Swim Club operates the property promote the public health, safety, and welfare; and

WHEREAS, the existing Lease between the Borough and the Oceanport Lions Swim Club has expired; and

WHEREAS, the Borough of Oceanport believes that it is appropriate to conditionally renew the Lease; and

WHEREAS, N.J.S.A. 40A:12-14(c) conditionally authorizes a Municipality to lease property to non-profit corporations for public purposes;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport as follows:

1. That the Borough of Oceanport is hereby authorized to extend its Lease with the Oceanport Lions Swim Club, Inc. (as referenced herein) for an additional 5 year period (expiring on or about August 1, 2009).
2. That at the option of the Borough of Oceanport, upon the expiration of the 5 year term referenced above, the Borough is hereby authorized to renew the Lease for an additional 5 year period, expiring on or about August 1, 2014.
3. That the property shall be leased at the nominal price of \$1.00 per year.
4. That the written Lease (or Lease Addendum) shall be reviewed and approved as to form by the Borough Attorney.
5. That the Mayor, Clerk, Borough Attorney, and other appropriate Borough representatives are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution, including, the Lease/Lease Addendum.
6. That the Lease/Lease Addendum shall contain the following provisions:
 - A. That unless expressly stated, the terms and conditions of the existing/original Lease, dated June 16, 1988, shall remain in full force and effect.
 - B. That the Borough of Oceanport reserves the right to terminate the Lease, upon 120 days written notice.
 - C. That pursuant to prevailing law, Swim Club representatives shall annually submit a report to the Oceanport Borough Clerk, setting forth the following:
 - The uses to which the subject property was utilized during the prior year;

- The general activities which were undertaken at the site;
- The approximate value or cost of the aforesaid activities at the site; and
- An affirmation confirming the continued tax-exempt status of the non-profit corporation.

7. That the Swim Club's Certificates of Insurance shall be approved as to form by the Borough Attorney and approved as to amount by the Borough's insurance agent.

Introduced and adopted July 22, 2004
Approved August 26, 2004

PATRICIA L. VARCA, RMC
BOROUGH CLERK

SCHEDULE A

BEGINNING at a point, said point located by the following five courses:

(A) From a point formed by the intersection of the westerly line of Port-au-Peck Avenue and the northerly line of Algonquin Avenue and running thence north eighty degrees no minutes west ($N 80^{\circ}00'W$) along the northerly line of Algonquin Avenue, a distance of one hundred twenty and no tenths feet (120.0') to a point, said point being the southeast corner of Lot 9 in Block 19 as shown on the official tax map of the Borough of Oceanport as revised December 31, 1971, by Richard M. Schulz, P.E., L.S. Borough Engineer, and running:

Thence (B) north ten degrees no minutes east ($N 10^{\circ}00'E$) along the easterly line of Lot 9, in Block 19 a distance of one hundred feet (100') to a point, said point being the northeast corner of Lot 9 in Block 19;

Thence (C) north eighty degrees no minutes west ($N 80^{\circ}00'W$) along the northerly line of Lot 9 in Block 19 a distance of five feet (5') to a point;

Thence (D) north ten degrees no minutes east ($N 10^{\circ}00'E$) a distance of sixty feet (60') to a point;

Thence (E) north eighty degrees no minutes no seconds west ($N 80^{\circ} 00' 00'' W$) a distance of one hundred sixty feet more or less (160'±) to a point, said point being the point and place of beginning, and running

Thence (1) westerly along a line parallel to and distant one hundred sixty feet (160') northerly from the northerly line of Algonquin Avenue a distance of two hundred eight feet more or less (208'±) to a point;

Thence (2) northerly along a line parallel to and distant four hundred ninety-three feet more or less (493'±) westerly from the westerly line of Port-au-Peck Avenue a distance of four hundred twenty-five feet (425') to a point;

Thence (3) easterly along a line parallel to the first course herein a distance of two hundred eight feet more or less (208'±) to a point, said point being located a distance of two hundred eighty-five feet more or less (285'±) westerly from the westerly line of Port-au-Peck Avenue;

Thence (4) southerly along a line parallel to and distant two hundred eighty-five feet more or less (285'±) westerly from the westerly line of Port-au-Peck avenue a distance of four hundred twenty-five feet (425') to the point or place of beginning.

Containing 2.03 acres more or less.

The above description is intended to encompass all that parcel of land upon which a swimming pool has been constructed and is subject to such facts as an accurate survey and location of said pool may disclose.

ORDINANCE # 780**AN ORDINANCE AUTHORIZING THE CREATION OF A LENGTH OF SERVICE AWARDS PROGRAM FOR ELIGIBLE VOLUNTEER FIRE FIGHTERS AND VOLUNTEER FIRST AID SQUAD MEMBERS**

WHEREAS, the State of New Jersey has recently recognized the need to increase the incentives for persons to volunteer their time and efforts in volunteer fire fighting, volunteer Fire Police activities, or volunteer First Aid Squads, which activities have a long history and tradition of providing essential services to many municipalities in the State, by recently enacting the "Emergency Services Volunteer and Length of Service Awards Program Act"; and

WHEREAS, the Mayor and Council of the Borough of Oceanport recognize the personal commitment and time involved in the training and responses to calls required by the said volunteers, and deem it appropriate and necessary to act to ensure retention of existing members and to provide incentives for recruiting new volunteer fire fighters/first aid members/Fire Police volunteers for the Borough of Oceanport Volunteer Fire Department and the Borough of Oceanport First Aid Squad; and

WHEREAS, the Borough of Oceanport has determined that the creation of a Length of Service Awards Program (LOSAP) will, in fact, enhance the ability of the Borough and the Volunteer Fire Department and the Volunteer First Aid Squad to both retain existing members and recruit new members; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that the Code of General Ordinances is hereby supplemented with the following change:

Section 1: Program Created

A Length of Service Awards Program ("LOSAP") is hereby created in the Borough of Oceanport in accordance with Chapter 388 of the Laws of 1997 of the State of New Jersey (N.J.S.A. 40A:14-183 et seq.) and (N.J.A.C. 5:30-14.1 et seq.) to reward the members of the Oceanport Volunteer Fire Department, the Oceanport Volunteer Fire Police, and the Oceanport Volunteer First Aid Squad for their loyal, diligent, and devoted service to the residents of the Borough of Oceanport.

Section 2: Definitions

The definitions as provided in N.J.A.C. 5:30-14.1 are hereby included in the within Chapter, as is cited in full or as contemplated by the following:

Emergency Service Organization shall mean the Oceanport Volunteer Fire Department ("Fire Department") a duly incorporated Fire Department, the Oceanport Volunteer First Aid Squad ("First Aid Squad"), a duly incorporated First Aid Squad, and the Oceanport Volunteer Fire Police ("Fire Police"), a duly incorporated Fire Police division.

Active emergency service shall mean participation in the affairs of the Fire Department, First Aid Squad, or Fire Police, in accordance with the by-laws established by the Fire Department, First Aid Squad, or Fire Police and applied on a consistent and uniform basis, and in accordance with the eligibility system, as identified in Appendix A to the within Ordinance.

Local Plan Administrator shall be the Borough Clerk of the Borough of Oceanport.

Section 3: Defined Contribution Program

The Borough's LOSAP shall provide for the finding of a fixed annual contribution by the Borough of Oceanport to a deferred income account for each active volunteer member who meets the criteria set forth in this Chapter. Such contributions shall be made in accordance with the requirements of Chapter 388 of the Laws of 1997 of the State of New Jersey (N.J.S.A. 40A:14-183 et seq.) and (N.J.A.C. 5:30-14.1 et seq.). The Plan shall be administered in accordance with the Laws of the State of New Jersey, the United States Internal Revenue Code, the within Chapter, and other prevailing regulations, as may be amended from time to time. The following provisions shall apply to this Plan:

- A. Annual Contributions. The annual contributions to be made by the Borough of Oceanport for each "Active Volunteer Member" shall be \$1,150.00 (One Thousand One Hundred Fifty Dollars) per year of "active emergency service" commencing with the year 2005. There shall be no contributions for prior years of service. Additionally, under no circumstances shall the total amount provided to any active volunteer member exceed the sum of \$1,150.00 (One Thousand One Hundred Fifty Dollars) per year, as provided by prevailing law.
- B. Appropriations: Appropriations for the purpose of funding the Borough's LOSAP Plan shall be included as a separate line item in the Borough's budget, commencing in the year 2005.
- C. Period Increases. Notwithstanding the provisions of paragraph A above, the annual contribution to be made by the Borough of Oceanport for each of the eligible/active volunteer members shall be subject to periodic increases, based upon the "Consumer Price Index Factor" pursuant to Subsection F of Section 3 of P.L. 1997, c.388,
- D. Estimated Costs. The estimate cost of the LOSAP to the Borough of Oceanport has been calculated to be approximately \$69,000.00 (Sixty-Nine Thousand) per year.

E. Criteria for Eligibility.

- i. An "active volunteer member" shall be eligible to participate in the LOSAP Plan immediately upon commencement of the Member's performance of "active emergency services" in the Fire Department or First Aid Squad.
- ii. Annual contributions to the deferred income account for each member shall only be made by the Borough, however, for those active members who have earned the minimum number of points for performing certain volunteer services, pursuant to the requirements set forth in Appendix A (attached hereto) for a 12 month period.
- iii. A volunteer who is an active volunteer member of more than one of the Emergency Service organizations defined herein cannot receive more than the maximum annual benefit amount, in accordance with N.J.A.C. 5:30-14.15.
- iv. In computing credit for those active volunteer members who also serve as paid employees within a local governmental unit, credit shall not be given for activities performed during the individual's regularly assigned work.

- F. Determination as to Eligibility. The Fire Department, First Aid Squad, and Fire Police shall provide the Local Plan Administrator with a certified list as to active volunteer members who are initially eligible to participate in the LOSAP, as of January 1 of 2005. Annually, in January of subsequent years, the Fire Department, First Aid Squad, and Fire Police shall provide to the Local Plan Administrator a certified list as to active volunteer members who are eligible to participate in the LOSAP for that year, having complied with the approved Point Plan in Appendix A in the prior year. The Local Plan Administrator shall forward the said certified list to the Borough Council of the Borough of Oceanport for

approval, in accordance with the provisions of N.J.A.C. 5:30-14.10. Within 30 days of receipt of the certified lists from the Fire Department, the First Aid Squad, and the Fire Police, and any requested clarifications thereto, the Oceanport Borough Council shall, if appropriate, approve the certified lists as being accurate and shall return the approved certified list to the Fire Department, the First Aid Squad, and the Fire Police for posting. Said approved lists shall be posted for a 30 day period for membership review. Appeals from the decisions of the Borough Council shall be governed by N.J.A.C. 5:30-14.11. The decision of the Borough Council as to such active members' eligibility shall be binding upon the Plan Administrator, participants, beneficiaries, and any and all other persons having an interest thereunder, subject to appropriate judicial Review.

- G. Terms of Participation. The Plan Administrator shall have the right to require any active volunteer member at the time of his or her becoming a participant to agree, in writing, to be bound by the terms, covenants, and conditions of the LOSAP and accompanying trust. Each participant shall promptly furnish to the Plan Administrator all pertinent information required for the administration of the LOSAP. The Plan Administrator shall rely upon all such information furnished.
- H. Vesting. The active volunteer members shall not be permitted to receive a distribution of funds in his or her LOSAP account until the completion of a 5-year vesting period.
- I. Termination of Service.
 - i. Any participant who terminates services as an active volunteer member shall cease to participate hereunder and no contribution shall be made on his/her behalf. A former participant may resume participation immediately upon returning to the service of the Fire Department, the First Aid Squad, or the Fire Police as an active volunteer member.

- ii. Any active volunteer member who was not fully vested and terminates service with the Fire Department, the First Aid Squad, or the Fire Police, and who subsequently returns to service and again becomes a participant, shall be treated as a new participant for purposes of eligibility.
- iii. Any active volunteer who is fully vested and terminates service with the Fire Department, the First Aid Squad, or the Fire Police and subsequently returns to service and again becomes a participant shall receive credit for his/her former years of eligible service and shall resume participation in the same manner as prior to his/her termination.
- iv. Should a volunteer fail to vest or otherwise terminate his/her association with the Fire Department, the First Aid Squad, or the Fire Police prior to the completion of the vesting period, the funds placed in the LOSAP account on behalf of the said volunteer shall revert to the Borough of Oceanport (and not to the volunteer).

Section 4

This Ordinance shall not take effect unless, as required by law, it is approved by the voters of the Borough of Oceanport, as a public question at the next general election.

Section 5

The following referendum question shall be submitted to the voters of the Borough of Oceanport, at the next general election in November of 2004.

Shall the Mayor and Council of the Borough of Oceanport be authorized to establish a Length of Service Awards Program (LOSAP) for its volunteer Fire, Fire Police, and Emergency Medical Service Members?

INTERPRETATIVE STATEMENT

The Oceanport Fire Department and Oceanport First Aid Squad are completely served by volunteer members who receive no monetary compensation for their dedicated service to the community. This service includes not only responses to Fire and First Aid calls, where the safety and well-being of the volunteers and the public are at risk, but also the extensive training each member must continually maintain the administrative functions of the Fire Department and First Aid Squad.

The Borough of Oceanport has, therefore, decided to create a Length of Service Awards Program (LOSAP) for members of the Volunteer Fire Department and First Aid Squad which serve the Borough of Oceanport. The general requirements for LOSAP are set forth in New Jersey State Law (N.J.S.A. 40A:14-183 et seq.)

Each volunteer Fire Fighter and each First Aid Squad member who performs the required amount of services as set forth in the Ordinance will have the sum of \$1,150.00 (One Thousand One Hundred Fifty Dollars) per year deposited into a tax-deferred retirement income account which will earn interest for the volunteer.

The cost will be budgeted annually in the budget of the Borough of Oceanport and is anticipated to be approximately \$69,000.00 per year.

Additional details on the program may be found in the Ordinance adopted by the Borough of Oceanport, which is available for public inspection, along with a copy of the State Law which enables this action, in the Office of the Oceanport Borough Clerk, Borough Hall, 222 Monmouth Boulevard, Oceanport, NJ, 07757, between the hours of 8:30 A.M. and 4:30 P.M.

Section 6

A copy of the Ordinance and the Emergency Service Volunteer Length of Service Awards Act (N.J.S.A. 40A:14-183 et seq.) shall be made available to the public at the Oceanport Branch of the Monmouth County Public Library, and shall be kept on file in the Borough Clerk's Office located at 222 Monmouth Boulevard, Oceanport, NJ.

Section 7

All other Ordinances, or parts of Ordinances inconsistent herewith, are hereby repealed to the extent of such inconsistency.

Section 8

In the event that any portion of this Ordinance is found to invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in effect only to that portion of the Ordinance actually adjudicated to be invalid, and the remaining provisions of this Ordinance shall be deemed severable therefrom, and shall not be affected.

Introduced and Adopted October 7, 2004

Approved: October 21, 2004

PATRICIA L. VARCA, RMC
BOROUGH CLERK

APPENDIX 'A'

**OCEANPORT VOLUNTEER FIRE DEPARTMENT
LOSAP POINT SYSTEM
(Total of 50 points Required per Calendar Year).**

I. TRAINING COURSES: Verified by Certificate.

A. Basic/Firefighter 1: 30 Points

**Completion of State Approved Firefighter 1 Training Program
consisting of a minimum of 90 hours.**

B. SCBA Recertification: 5 points per calendar year.

C. Advanced SCBA: 5 points per calendar year.

D. All other Schooling: 1 point per hour / 10 point maximum

E. Basic Fire Police Training 10 Points.

II DRILLS:

A. Company Drills: 2 Points per drill/ 24 points Maximum

B. Mutual Aid Drills: 1 points per Drill / 5 point Maximum

III. FIRE CALLS:**A. Fire / Emergency Response:**

| Years of Service | Minimum % of Company Calls | Points |
|-------------------------|---------------------------------------|--|
| 1-7 years | 60% | 25 |
| 8-25 years | 30% | 15 |
| 26 or more years | 0% | 3 points per each 5 years Maximum 15 points |

IV. ELECTED OR APPOINTED POSITIONS:**(All positions require a full one year term)**

- A. Chief: 30 Points**
- B. Fire Police Captain: 15 Points**
- C. Assistant Chiefs & Line Officers: 6 Points
(Fire & Fire Police)**
- D. Chief Engineer: 6 Points**
- E. Asst Engineers: 6 Points**
- F. * Ex-Chief: 10 Points**
- G. *Ex-Captain 6 Points**
- H. *Ex-Fire Police Capt. 6 Points**

1 Term following completion of position served.*I. BUSINESS OFFICERS:****President: 12 Points****All other Business Officers (including Trustees): 6 Points**

V. DELEGATES:

- | | |
|-------------------------------|--------------------------|
| | Maximum 25 Points |
| A. * Appointment as Delegate: | 5 Points |
| B. *Delegates Meetings: | 1 Point per meeting |
| C. *Convention attendance | 5 Points |

* Requires completion of full one year term (12 months)

VI. ATTENDANCE AT MEETINGS

- | | |
|----------------------|--------------------------|
| | Maximum 15 Points |
| A. Company Meetings: | 1 Point per meeting. |

VII. SPECIAL DUTY:**MAXIMUM**

- | | |
|---|-----------|
| A. Grave Decorations: | 3 Points |
| B. Attendance at Uniformed Memorial Services | 3 Points |
| C. Activities performed in Support of Department / Borough: Fire Prevention/ Demonstrations/ Public Events / Fire works / Parades. | 10 Points |
| D. Years of Service: 3 Points for every 5 years of service as a member in good standing as defined by the Fire Company Constitution and By-Laws. | |

LOSAP
Length of Service Award Program
OCEANPORT FIRST AID AND RESCUE SQUAD

- I. TRAINING COURSES: MAXIMUM 25 POINTS**
- A. Basic EMT Course: 15 Points
 - B. Basic First Responder Course: 10 Points
 - C. CEU Courses: 1 Point per CEU
 - D. Other Classes 2 Points
 - E. Course Instructors (Per Year) 5 Points
- II. DRILLS: MAXIMUM 24 POINTS**
- A. Each Drill 1 Point
- III. MEETINGS: MAXIMUM 15 POINTS**
- A. Monthly and Special Meetings 1 Point per Meeting
- IV. ELECTED OR APPOINTED POSITIONS. MAXIMUM 15 POINTS**
(All positions require completion of full one year term)
- A. President 12 Points
 - B. All Business Officers (Including Trustee) 6 Points
 - C. Captain 15 Points
 - D. Line Officers 6 Points
 - E. Ex- Captain 6 Points
 - F. Engineers 1/2 Point per Month

DELEGATES:**MAXIMUM 25 POINTS**

- A. Appointment 5 Points
- B. Delegate Meetings 1 Point per Meeting
- C. Convention Attendance 5 Points

V. EMERGENCY RESPONSE.**MAXIMUM 40 POINTS**

- A. Up To 60 Calls 1/4 Point per Call
- B. 61 - 79 Calls 20 Points
- C. 80 - 99 Calls 25 Points
- D. 100- 149 Calls 30 Points
- E. 150 - 199 Calls 35 Points
- F. 200 or More Calls 40 Points

NIGHT CREWS:

- A. Assigned Crew 10 Points **MAXIMUM 20 POINTS**

MUTUAL AID CALLS:

- A. All Mutual Aid Calls 1/4 Point per Call **MAXIMUM 10 POINTS**

VI. MISCELLANEOUS:**MAXIMUM 10 POINTS**

- A. Fund Raising 1 Point per 2 Hours
- B. Special Activities 1 Point per Function
(Fireworks, Parades, Athletic Events, Sleep-ins, Special Assignments by Captain or President)

VII SERVICE IN GOOD STANDING:**MAXIMUM 20 POINTS**

As Defined in By-Laws 2 Points per Year

ORDINANCE # 781**AN ORDINANCE AUTHORIZING THE BOROUGH OF OCEANPORT TO EXECUTE AN INTERLOCAL SERVICE AGREEMENT WITH THE BOROUGH OF EATONTOWN FOR THE STORAGE OF IMPOUNDED/SEIZED VEHICLES**

WHEREAS, the Borough of Oceanport is a municipal Corporation of the State of New Jersey; and

WHEREAS, through the course of each year, the Borough Police Department has occasion/need to seize or otherwise impound certain motor vehicles, in accordance with New Jersey law; and

WHEREAS, currently, any seized/impounded vehicles are stored in the Oceanport Municipal Parking Lot; and

WHEREAS, the storage of such seized/impounded vehicles frequently interferes with the ability of visitors to appropriately park in the municipal complex; and

WHEREAS, the public's right to conveniently and safely access its Borough Hall is a fundamental importance; and

WHEREAS, in light of the above, the Borough Council has explored methods by which the said situation can be improved; and

WHEREAS, in this regard, the Borough of Eatontown has expressed conditional interest in allowing the Borough of Oceanport to store up to ten (10) of its seized/impounded vehicles at the Eatontown Impound Facility; and

WHEREAS, New Jersey allows a municipality to execute an interlocal service agreement with another municipality to promote lawful purposes; and

WHEREAS, the Borough Council of the Borough of Oceanport believes that such an arrangement would promote the best interest of the Borough and its residents;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport as follows:

1. That the Borough of Oceanport is hereby authorized to execute an interlocal service agreement with the Borough of Eatontown so that the Borough of Oceanport can conditionally store up to 10 seized/impounded vehicles at the Eatontown Impound Facility.

2. That the said arrangement shall be for a one (1) year period, beginning as soon as the Borough of Oceanport and the Borough of Eatontown adopt appropriate Ordinances/Resolutions authorizing the respective Boroughs to sign the Agreement referenced herein.

3. That the said agreement may be terminated, with or without cause, upon 60 days written notice.

4. That the said agreement shall be prepared by the Borough Attorney and executed by the Mayor and Deputy Clerk, along with the appropriate government officials of the Borough of Eatontown, Monmouth County, N.J.

5. That the subject Agreement (and any potential revisions thereof) shall be subject to the review and approval of the Borough Attorney.

6. That the Mayor, Borough Clerk, and any other appropriate Borough representative are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Ordinance – including, the interlocal service agreement.

7. That the within Agreement shall be contingent upon the Borough of Eatontown adopting an Ordinance authorizing the execution of the Agreement as well.

8. That the within Ordinance shall be subject to the Oceanport Chief Financial Officer confirming that funds are available for the stated purpose.

9. That all ordinances (or parts of ordinances) inconsistent herewith are hereby repealed.

10. That if any cause of the within Ordinance is deemed by a Court of competent jurisdiction to be unlawful or otherwise unenforceable, the remaining provisions of the Ordinance shall remain in full force and effect.

11. A copy of the within interlocal service agreement shall be on file and available for public inspection in the Office of the Borough Clerk.

Introduced and Adopted October 7, 2004

Approved:

Date: October 21, 2004

PATRICIA L. VARCA, RMC
BOROUGH CLERK

ORDINANCE #762

AN ORDINANCE FOR PUBLIC CONTRACTING IN THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

BE IT ORDAINED by Mayor and Council of the Borough of Oceanport, County of Monmouth, and State of New Jersey, as follows;

WHEREAS, professional business entities are exempt from public bidding requirements, and

WHEREAS, it has become common for professional business entities to make substantial political contributions to the election campaigns of local government elected officers who are ultimately responsible for awarding professional service contracts or other contracts or agreements which are not subject to public bidding; and

WHEREAS, substantial local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions raise reasonable concerns of the part of taxpayers as to their trust in the process of local government, if not the quality or cost of services received; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5* and *N.J.S.A 40:48-2*, read; municipalities have the right to establish rules and procedures for contracting with professional business entities;

NOW THEREFORE, be it ordained, that the policy of the Borough of Oceanport will be set maximum amounts professional business entities may contribute politically beyond which they become ineligible to receive a public professional service contract from the Borough of Oceanport.

Section 1: PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

- (a) Any other provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or agencies or to those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services, including banking services/relationships or insurance coverage services, from any professional business entity, if that entity has solicited or made any professional business entity, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any Borough of Oceanport candidate or holder of the public office having ultimate responsibility for the award of the contract, or

Ordinance #782

to any Borough of Oceanport or County of Monmouth party committee, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting the Borough of Oceanport municipal candidates or municipal officeholders in excess of the thresholds specified in subsection (d) within one calendar year immediately preceding the date of the contract or agreement.

- (b) No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Borough of Oceanport candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any Borough of Oceanport or Monmouth County party committee, or to any PAC that is organized for the primary purpose of promoting or supporting the Borough of Oceanport municipal candidates or municipal officeholders between the time of first communications between that business entity and the township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- (c) For purposes of this Ordinance, a "professional business entity" seeking a public contract means an individual including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers or aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.
- (d) Any individual meeting the definition of "professional business entity" under this section may annually contribute a maximum of \$300.00 each for any purpose to any candidate, for mayor or council, or \$400.00 to the Borough of Oceanport or Monmouth County party committee, or to a PAC referenced in this ordinance, without violating subsection (a) of this section. However, any group of individuals meeting the definition of "professional business entity" under this section,

Ordinance #782 continued

- including such principals, partners, and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of \$2,500.00 to all Borough of Oceanport candidates and officeholders with ultimate responsibility for the award of the contract, and all Borough of Oceanport or Monmouth County political parties and PACs referenced in this Ordinance combined, without violating subsection (a) of this section.
- (e) Child shall be defined herein as a child or legally adopted son or daughter under the age of eighteen (18) years of age.
- (f) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
 - (1) The Borough of Oceanport Council, if the contract requires approval or appropriation from the Council.
 - (2) The Mayor of the Borough of Oceanport, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of the contract is appointed by the Mayor.

Section 2: CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Council, or municipal or county party committee or PAC referenced in this Ordinance shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

Section 3: CONTRIBUTION STATEMENT BY PROFESSIONAL BUSINESS ENTITY

- (a) Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any professional business entity, the township or any of its purchasing agents or agencies as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offer (or has not made a contribution in violation of Section 1 of this Act;

Ordinance # 782 Continued

- (b) The professional business entity shall have a continuing duty to report any violations of this Act that may occur during the negotiation or duration of the contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the township and shall be in addition to any other certifications that may be required by any other provision of law.

Section 4: RETURN OF EXCESS CONTRIBUTIONS

A professional business entity or township candidate of officeholder or municipal or county party committee or PAC referenced in this ordinance may cure a violation of Section 1 of this Act, if, within 30 days after the general election, the professional business entity notifies the Township Council in writing and seeks and received reimbursement of a contribution from the township candidate or municipal or county political party or PAC referenced in this ordinance.

Section 5: PENALTY

- (a) All Borough of Oceanport professionals service agreements shall provide that it shall be a breach of the terms of the government contract for a professional business entity as defined in Section 1(c) to violate section 1 (b) or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.
- (b) Any professional business entity as defined in Section 1(c) and (d) who knowingly fails to reveal a contribution made in violation of this Act, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Borough of Oceanport contracts for a period of four calendar years from the date of violation.

Section 6: SEVERABILITY AND EFFECTIVENESS CLAUSE

If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance.

Ordinance #782 Continued

Section 7: EFFECTIVE DATE

This Ordinance shall take effect following final passage and publication as provided by law.

Approved: November 18, 2004

Adopted: December 2, 2004

PATRICIA L. VARCA, RMC
BOROUGH CLERK

ORDINANCE #783
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16 (POLICE
DEPARTMENT) OF THE CODE OF THE BOROUGH OF OCEANPORT,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport as follows:

1. That Section 16-6 (Positions and Appointments)(B) shall be amended and supplemented as follows:
 - B. Appointments; probationary periods.
2. Each policeman shall be first employed for a probationary term of at least twelve months so that his/her fitness for the duties he/she is to perform may be determined before he/she is permanently attached to the Police Department. The probationary term may be extended at the discretion of the Governing Body for a period not to exceed six months at the expiration of said twelve month period, These periods of probationary employment shall be termed "probationary periods". A probationary policeman so employed shall be deemed a "probationer" and may be dropped from the rolls or discharged at any time during such probationary period without notice and without hearing. The Mayor and Council may at any time prior to the expiration of the probationary period of employment appoint such probationary member of the Police Department as a permanent member of the Police Department by Official resolution. The continued employment of any probationary policeman after the expiration of his/her probationary period of employment shall be deemed a permanent appointment to the regular force.
2. Section 16-6 (Probationary Trainee) D: shall be eliminated in its entirety.
3. That all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
4. That the within Ordinance shall become effective upon adoption and passage, according to law.

Approved: November 18, 2004

Adopted: December 2, 2004

PATRICIA L. VARCA, RMC
BOOROUGH CLERK

ORDINANCE #784
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 44A, PARKS
AND PLAYGROUNDS, OF THE BOROUGH OF OCEANPORT, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport as follows:

Section 44A-1: Regulations of activities in al public parks and playgrounds shall be amended and supplemented as follows:

1. The following activities shall be prohibited in all public parks and playgrounds located within the Borough:

- E. The parking, storage or placement of vehicles when the parks or playgrounds are not open for public use (The within section is not applicable to municipal vehicles.)
 - F. The parking, storage, or placemen of vehicles and other personal property when the owner of the subject vehicle/property (or owner's agent) is not presently utilizing the subject park or playground. (The within section is not applicable to municipal vehicles.) Additionally, the within restriction shall not apply during periods of emergency, as proclaimed by the Mayor's Office or any other duly appointed Authority.
 - G. The Sale rental or leasing (or advertising associated therewith) of any vehicle, vessels, boat, personal watercraft, bicycle, motorcycle or any other personal property (unless first having obtained a permit from the Borough of Oceanport).
 - H. The creation or maintenance of an open fire/flame, the use or possession of a gas, charcoal or propane grill (unless first having obtained a permit form the Borough of Oceanport).
 - I. The use or possession of motorized toy, model miniature or remote control aircraft.
2. That all Ordinances or part of Ordnance inconsistent herewith are hereby repealed.
3. This Ordinance shall take effective after final passage and publication as required by law.

APPROVED: November 18, 2004

ADOPTED: December 2, 2004

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE #785
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1, Paragraphs H and N of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2004 unless otherwise stated, be and the same is hereby amended to read as follows:

H. POLICE DEPARTMENT

| | |
|--------------------|-----------|
| Chief | \$96,000. |
| Captain | \$84,626. |
| Detective Sergeant | \$82,447. |
| Sergeants, each | \$80,269. |
| Detective | \$78,091. |

| | |
|---|-----------|
| Patrolman I (commencing 5 th year of service and each year thereafter) | \$75,912. |
| Patrolman II (commencing 4 th year of service) | \$67,105. |
| Patrolman III (commencing 3 rd year of service) | \$58,297. |
| Patrolman IV (commencing 2 nd year of service) | \$49,490. |
| Patrolman V (commencing 1 st year of service) | \$40,683. |
| Probationary Patrolman VI | \$31,875. |

Dispatchers:

| | |
|---|-----------|
| Third year of employment and each year thereafter | \$40,350. |
| Second year of employment | \$35,790. |
| First year of employment | \$32,980. |

| | |
|---------------|-----------|
| Records Clerk | \$ 3,860. |
|---------------|-----------|

| | |
|------------------------------|-----------|
| School Crossing Guards, each | \$ 8,070. |
|------------------------------|-----------|

N. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 2004.

| | |
|-------------------------------------|-----------|
| 6 through 10 years of service----- | \$ 1,000. |
| 11 through 15 years of service----- | \$ 1,500. |
| 16 through 20 years of service----- | \$ 2,000. |
| 21 through 25 years of service----- | \$ 2,500. |

ORDINANCE #785
CONTINUED

26 years of service and above----- \$ 3,000.

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Approved:

MARIA GATTA, MAYOR

Dated:

ORDINANCE #786
AN ORDINANCE TO EXCEED THE CAP INDEX RATE IN
THE 1995 MUNICIPAL BUDGET OF THE BOROUGH OF
OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NJ

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, P.L. 1986, C. 203 amended the Local Government Cap Law, to provide that a municipality may, in any year in which the index rate is less than 5%, increase its final appropriations by a percentage rate greater than the index rate but not to exceed the 5% rate as defined in the amendatory law, when authorized by ordinance; and

WHEREAS, the index rate for 1995 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5%; and

WHEREAS, the Oceanport Mayor and Council of the Borough of Oceanport, in the County of Monmouth, finds it advisable and necessary to increase its 1995 budget by more than 2.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Oceanport Mayor and Council hereby determines that a 2-1/2% increase in the budget for said year, amounting to \$70,020.14 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 1995 budget year, the final appropriations of the Borough of Oceanport shall, in accordance with this ordinance and P.L. 1986, C. 203, be increased by 2-1/2%, amounting to \$70,020.14, and that in the 1995 municipal budget for the Borough of Oceanport be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance, upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED: February 16, 2005
ADOPTED: March 17, 2005

PATRICIA L. VARCA
BOROUGH ORDINANCE

ORDINANCE #787
AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
ENTITLED "THE BOROUGH OF OCEANPORT PERSONNEL POLICY"
PASSED AND APPROVED MARCH 20, 1986

BE IT ORDAINED by the Borough Council of the Borough of Oceanport as follows:

- I. That Section 13-17 (Vacations) of Chapter 13 (Personnel Policy) of the Code of the Borough of Oceanport is hereby amended and supplemented as follows:

13-17. Vacations. [Amended 8-21-1986 by Ord. No. 524]

- A. [Amended 2-5-1998 by Ord. No. 698] Full-time employees will receive vacations with pay on a calendar-year basis as follows:
- a. During the first calendar year of employment: ½ day per month with a maximum of five working days provide the employee has completed six months of employment and has been taken off probationary status.
 - b. From the 2nd through the fifth calendar years of service: 10 working days per year.
 - c. From the 6th through the 10th calendar years of service: 15 working days per year.
 - d. From the 11th through the 15th calendar years of service: 20 working days per year.
 - e. From the 16th calendar year of service and thereafter: 25 working days per year.
- B. If an official holiday falls during an employee's vacation period, an additional day of vacation will be granted in lieu of the holiday.
- C. After completing one continuous full year of permanent part-time employment, permanent part-time employees shall receive paid vacation days (on a pro-rated basis, as defined herein) according to the chart referenced in Section 13-17 (A). Specifically, permanent part-time employees shall receive paid vacation days based upon a percentage basis of hours worked, weighed against a forty (40) hour workweek. For example, a twenty (20) hour per week permanent part-time employee shall receive fifty (50) percent (50%) of the paid vacation days as an eligible municipal employee who works a forty (40) hour workweek. Notwithstanding anything contained herein to the contrary,

ORDINANCE #787
CONTINUED

permanent part-time employees are not eligible for vacation privileges during the first calendar year of employment. The within provisions shall be retroactively effective January 1, 2005.

- D. Temporary and seasonal employees are not eligible for vacation privileges.

E. Vacation procedures.

- i. Employees must request vacations in writing at least 14 days in advance of the desired starting date.
- ii. All vacations must be scheduled and approved by the department head.
- iii. All vacations must be taken during the year accrued unless an employee's duties prevented him from taking the vacation within that time.
- iv. Exceptions for a carry-over of accrued vacation time must be made in writing by the employee's department head indicating the reason. The Mayor and Council must approve the carry-over of vacation time.
- v. Under such exceptions, the employee will be allowed to take only three consecutive weeks at any one time.
- vi. Whenever an employee's duties have prevented him from taking his accrued vacation time, such employee may, at the sole discretion of the Mayor and Council, be paid for such accrued vacation time for a maximum of two weeks per year at the employee's current regular salary. **[Added 9-3-1987 by Ord. No. 552]**

II. That Section 13-18 (Sick Leave) of Chapter 13 (Personnel Policy) of the Code of the Borough of Oceanport is hereby amended and supplemented as follows:

13-18. Sick leave [Amended 8-21-1986 by Ord. No. 524]

- A. Definition. "Sick leave" is the absence from work of an employee because of illness, accident or the employee's need to care for a member of the immediate family who is seriously ill.

ORDINANCE #787
CONTINUED

B. Full-time borough employees are entitled to sick leave benefits as follows:

- a. New employees will accrue $\frac{1}{2}$ day per month during the first calendar year of employment.
- b. After the first calendar year and through the fifth calendar year, 12 days of sick leave will be accrued each year.
- c. After the sixth calendar year and thereafter, sick leave is accrued at 15 days per year. Unused sick leave can be accumulated from year to year.

C. Temporary and seasonal employees are not eligible for sick leave benefits.

D. Sick leave procedure.

- i. Employees wishing to take sick leave must notify their department heads as soon as possible but not later than 30 minutes after their scheduled work starting time each day of the required absence.
- ii. A medical certificate may be required of the employee stating illness or of the need for the employee's attendance upon a member of his/her family. A medical certificate will be required after absences from work of five or more consecutive days. Medical certificates will be given to the department head who in turn will forward it to the Borough Clerk for inclusion into the employee's personnel file.

II. That all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

III. That the within Ordinance shall take effect upon final passage and publication, according to New Jersey Law.

APPROVED: February 17, 2005
March 17, 2005

PATRICIA L. VARCA
BOROUGH CLERK

ORDINANCE NO. 788

BOND ORDINANCE PROVIDING FOR PARK IMPROVEMENTS IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY APPROPRIATING \$296,625 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$282,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST OF AND FOR MAKING THE DOWN PAYMENT FOR SAID IMPROVEMENT HEREIN AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement and purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvements to be made or acquired by the Borough of Oceanport, County of Monmouth, New Jersey (hereinafter referred to as the "Borough"). For said improvement or purpose stated in Section 3 of this bond ordinance, there is hereby appropriated \$296,625, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$14,125 appropriated herein for down payment purposes, which sum is now available by virtue of a provision in a currently or previously adopted budget of the Borough and is currently available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law").

Section 2. For the financing of said improvement or purpose and to meet the part of said \$296,625 appropriation not otherwise provided for hereunder, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not to exceed \$282,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable notes of the Borough in a principal amount not exceeding \$282,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed \$282,500, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated or about the date of its issuance and shall be payable not more than one (1) year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said notes shall be signed and shall be under the seal of said Borough and attested as permitted by law. The appropriate Borough officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine all matters in connection with this ordinance and also the power to sell said notes is hereby delegated to the Chief Financial Officer of the Borough (the "Financial Officer"), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law, and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for the financing for which said obligations are to be issued are:

| Improvement/Acquisition | Maximum Estimated Cost | Down Payment (Capital Improvement Fund) | Bonds or Notes Authorized | Useful Life (years) |
|---|------------------------|---|---------------------------|---------------------|
| Oceanport Borough Park Improvements-Blackberry Bay Park, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$296,625 | \$14,125 | \$282,500 | 15 |

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance is not a current expense and is property or an improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of such purpose is within the limitations of the Local Bond Law taking into consideration the amount of the said obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, and for the purpose, as set forth in Section 3 hereof, the period of usefulness is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the Borough determined as provided in said Law is increased by this bond ordinance \$282,500 and obligations authorized hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$20,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received for the purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this Bond Ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

Section 6. The governing body of the Borough hereby covenants, to the extent any debt obligations issued hereunder are issued as debt obligations with a tax exempt status, on behalf of the Borough to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other revenues of the Borough, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 8. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available there for public inspection.

Section 9. The Borough reasonably expects to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. The provisions of this ordinance are severable to the extent any clause, phase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 11. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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APPROVED: March 10, 2005

ADOPTED: April 14, 2005

ORDINANCE NO. 789

ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION FOR THE REVALUATION OF REAL PROPERTY IN THE BOROUGH, APPROPRIATING \$172,500. THEREFOR AND AUTHORIZING THE ISSUANCE OF \$172,500.00 OF SPECIAL EMERGENCY NOTES OF THE BOROUGH TO FINANCE THEREOF IN AND BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A-1 et seq. (The "Local Budget Law") and in particular Section N.J.S.A. 40A-53 (b) the sum of \$172,500 is hereby appropriated as a special emergency appropriation for revaluation of real property in the Borough of Oceanport.

Section 2. For the financing of said special emergency appropriation and to meet the part of the \$170,000 appropriation not otherwise provided for hereunder, negotiable Special Emergency Notes of the Borough are hereby authorized to be issued in a principal amount not to exceed \$170,000 pursuant to the Local Budget Law and in particular Section N.J.S.A. 40A:4-55.

Section 3. The appropriation herein provided and the "Special Emergency Notes" authorized should be provided for in the Borough's succeeding annual budgets by the inclusion of one-fifth (1/5) of the amount of the appropriation herein authorized, and the appropriation and authorization for Special Emergency Notes shall be reduced accordingly.

Section 4. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other revenues of the Borough, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and interest thereon without limitation as to rate or amount.

Section 5. The provisions of this ordinance are severable to the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 6. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 7. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by Law.

APPROVED: March 10, 2005
ADOPTED: April 21, 2005

ORDINANCE #790
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2005 unless otherwise stated, be and the same is hereby amended to read as follows:

A. ADMINISTRATIVE AND EXECUTIVE

| | |
|--------------------------|-------------------|
| Mayor | \$ 1,500. |
| Councilpersons, each (6) | \$ 1,500. |
| Borough Clerk | \$77,845. (01/01- |
| 03/31) | |
| Borough Clerk | \$60,000. (04/01- |
| 12/31) | |
| Deputy Borough Clerk | \$47,163. (01/01- |
| 03/31) | |
| Administrative Assistant | \$28,000. |

B. FINANCIAL ADMINISTRATION

| | |
|--------------------------------|-----------|
| Chief Financial Officer | \$29,294. |
| Accounts Payable/Payroll Clerk | \$20,298. |

C. BOARD OF ASSESSORS

| | |
|----------------------|-----------|
| Assessor | \$20,433. |
| Assessor's Assistant | \$ 1,250. |

D. COLLECTION OF TAXES

| | |
|------------------|----------------------|
| Tax Collector | \$51,985. |
| Tax Office Clerk | \$27,418. (01-01/03- |
| 31) | |
| Tax Office Clerk | \$28,000. |

E. MUNICIPAL COURT

| | |
|----------------------------------|-----------|
| Municipal Court Judge | \$15,610. |
| Court Administrator | \$32,996. |
| Court Assistant-Hourly rate \$15 | \$ 1,500. |

| | |
|----------------------|-----------|
| Municipal Prosecutor | \$ 6,000. |
| Public Defender | \$ 2,500. |

F. LEGAL SERVICES

| | |
|------------------|-----------|
| Borough Attorney | \$ 5,000. |
|------------------|-----------|

G. PLANNING BOARD

| | |
|-------------------------|-----------|
| Planning Board Attorney | \$ 5,000. |
|-------------------------|-----------|

H. POLICE DEPARTMENT

| | |
|--------------------|------------|
| Chief | \$100,080. |
| Captain | \$ 88,223. |
| Detective Sergeant | \$ 85,951. |
| Sergeants, each | \$ 83,680. |
| Detective | \$ 81,410. |

| | |
|--|------------|
| Patrolman I (commencing fifth year of service and each year thereafter) | \$ 79,138. |
| Patrolman II (commencing fourth year of service) | \$ 69,957. |
| Patrolman III (commencing third year of service) | \$ 60,775. |
| Patrolman IV (commencing second year of service) | \$ 51,593. |
| Patrolman V (commencing first year of service) | \$ 42,412. |
| Probationary Patrol VI | \$ 33,230. |

Dispatchers:

| | |
|--|-----------|
| Third year of employment and each year thereafter | \$42,065. |
| Second year of employment | \$37,311. |
| First year of employment | \$34,382. |
| Records Clerk | \$ 4,024. |
| School Crossing Guards, each | \$ 8,413. |

I. PUBLIC WORKS & RECYCLING DEPARTMENT

| | |
|----------------|-----------|
| Superintendent | \$57,340. |
| Foreman | \$50,040. |
| Helper I | \$30,350. |
| Helper II (A) | \$29,275. |
| Helper II (B) | \$29,275. |
| Helper III | \$26,000. |

J. RECREATION AND EDUCATION

| | |
|---|-----------|
| Recreation Coordinator | \$10,425. |
| Action Camp Director | \$ 2,500. |
| Recreation Aides & Assistants, total | \$24,000. |
| Building Custodian | \$ 1,780. |
| Community Center/Old Wharf House reservations | \$ 525. |
| Library Aide | \$ 1,500. |
| Construction Official | \$22,790. |
| FEMA Application Prep Work | \$ 1,600. |
| Building Inspector | \$11,222. |
| Plumbing SubCode Official | \$ 6,265. |
| Housing Inspector | \$ 4,605. |
| Fire SubCode Official | \$ 3,875. |
| Building SubCode Official | \$ 6,265. |
| Zoning Enforcement Officer | \$ 5,390. |
| Control Person | \$ 7,880. |

K. BOARD OF HEALTH

| | |
|-----------|-----------|
| Registrar | \$ 1,450. |
| Secretary | \$ 525. |

L. EMERGENCY MANAGEMENT

| | |
|----------------------------------|-----------|
| Emergency Management Coordinator | \$ 3,000. |
|----------------------------------|-----------|

M. PUBLIC SAFETY COMMITTEE

| | |
|---------------------------|-----------|
| Public Safety Coordinator | \$ 3,000. |
|---------------------------|-----------|

N. CASUAL LABOR \$8.00 - \$20.00 per hour

O. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 2005:

| | |
|-------------------------------------|----------|
| 6 through 10 years of service----- | \$1,000. |
| 11 through 15 years of service----- | \$1,500. |
| 16 through 20 years of service----- | \$2,000. |
| 21 through 25 years of service----- | \$2,500. |
| 25 years of service and above----- | \$3,000. |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Approved:

MARIA GATTA, MAYOR

Dated: April 21, 2005

APPROVED: March 10, 2005
ADOPTED: April 21, 2005

ORDINANCE #791
AN ORDINANCE AMENDING CHAPTER 16 ENTITLED "POLICE DEPARTMENT"
OF THE BOROUGH OF OCEANPORT AUTHORIZING THE BOROUGH OF
OCEANPORT TO CHARGE SPONSORS OF NON-MUNICIPAL SPECIAL EVENTS
FOR NECESSARY POLICE SERVICES

WHEREAS, the Borough of Oceanport is a Municipal Corporation of the State of New Jersey; and

WHEREAS, there exists within the Borough of Oceanport a Police Department to promote peace and good order within the Borough; and

WHEREAS, over the course of any given year, there are occasions when Non-Municipal sponsored special events occur, such as fairs, carnivals, charitable events, road races, etc; and

WHEREAS, given the scope, magnitude, location, and/or size of the special events, the special events often require traffic control or other assistance from the Borough's Police Department; and

WHEREAS, such assistance from the Borough's Police Department is often necessary to maintain peace and good order and so as to promote the safety of event attendees; and

WHEREAS, the Borough Council is of the belief that the Sponsors of the Non-Municipal special events should be financially responsible for the cost of such police services; and

WHEREAS, requiring the Sponsors to pay for such special police services will be in the best interests of the Borough and its residents;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Oceanport as follows:

1. That the Borough of Oceanport is hereby authorized to charge the sponsors of Non-Municipal special events for special police services as may be required.
2. That the rate to be charged to the Sponsors shall be as referenced in the most current Contract in effect between the Borough and the Borough's Police Department.
3. That the Borough of Oceanport is hereby authorized to require the Sponsors of the Non-Municipal Special Events to sign the attached Agreement, or a document substantially similar thereto.
4. That the within Ordinance shall take effect upon adoption and final passage, according to Law.

Approved:

MARIA GATTA
MAYOR

ATTEST: KIMBERLY A JUNGFER, RMC
BOROUGH CLERK

APPROVED: April 21, 2005
ADOPTED: May 19, 2005

ORDINANCE #792

BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY APPROPRIATING \$749,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$513,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST OF AND FOR MAKING THE DOWN PAYMENT FOR SAID IMPROVEMENTS HEREIN AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements and purposes described in Section 3 of this bond ordinance is hereby authorized as general improvements to be made or acquired by the Borough of Oceanport, County of Monmouth, New Jersey (hereinafter referred to as the "Borough"). For said improvements or purposes stated in Section 3 of this bond ordinance, there is hereby appropriated \$749,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$27,000 appropriated herein for down payment purposes, which sum is now available by virtue of a provision in a currently or previously adopted budget of the Borough and is currently available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law").

Section 2. For the financing of said improvement or purpose and to meet the part of said \$749,000 appropriation not otherwise provided for hereunder, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not to exceed \$513,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable notes of the Borough in a principal amount not exceeding \$513,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed \$513,000, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated or about the date of its issuance and shall be payable not more than one (1) year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said notes shall be signed and shall be under the seal of said Borough and attested as permitted by law. The appropriate Borough officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine all matters in connection with this ordinance and also the power to

sell said notes is hereby delegated to the Chief Financial Officer of the Borough (the "Financial Officer"), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law, and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for the financing for which said obligations are to be issued are:

| Improvement/Acquisition | Maximum Estimated Cost | Down Payment (Capital Improvement Fund) | Grants | Bonds or Notes Authorized | Useful Life (years) |
|---|------------------------|---|--------|---------------------------|---------------------|
| 1. Fire Department Equipment, including but not limited to trucks, thermal imaging camera and other equipment, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$94,000 | \$4,700 | \$-0- | \$89,300 | 5 |
| 2. Police Department Equipment including but not limited to radar unit, electronic signs, breathalysers, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$33,000 | \$1,650 | \$-0- | \$31,350 | 15 |

| | | | | | |
|---|-----------|----------|-----------|-----------|----|
| 3. Furniture(chairs) for Administration, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$3,000 | \$150 | \$-0- | \$2,850 | 5 |
| 4. Improvements to Sagamore and Maple Avenue, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$253,000 | \$12,650 | \$-0- | \$240,350 | 10 |
| 5. Improvements to Port-Au-Peck Avenue, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$172,500 | \$1,125 | \$150,000 | \$21,375 | 10 |
| 6. Improvements to Old Wharf Park, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$118,000 | \$2,950 | \$59,000 | \$56,050 | 15 |
| 7. First Aid Squad Equipment, including but not limited to resuci-annies/infants to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$6,000 | \$300 | \$-0- | \$5,700 | 15 |

| | | | | | |
|---|-----------|----------|-----------|-----------|----|
| 8. Siren System For OEM, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$33,000 | \$1,650 | \$-0- | \$31,350 | 15 |
| 9. Municipal Building Feasibility Study, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$18,500 | \$925 | \$-0- | \$17,575 | 5 |
| 10. Leaf Compost facility, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$18,000 | \$900 | \$-0- | \$17,100 | 15 |
| TOTALS | \$749,000 | \$27,000 | \$209,000 | \$513,000 | |

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and is property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of such purpose is within the limitations of the Local Bond Law taking into consideration the amount of the said obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, and for the purposes, as set forth in Section 3 hereof, the average period of usefulness is 10.35 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the Borough determined as provided in said Law is increased by this bond ordinance \$513,000 and obligations authorized hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$140,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received for the purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this Bond Ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

Section 6. The governing body of the Borough hereby covenants, to the extent any debt obligations issued hereunder are issued as debt obligations with a tax exempt status, on behalf of the Borough to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other revenues of the Borough, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 8. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available there for public inspection.

Section 9. The Borough reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized

herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. The provisions of this ordinance are severable to the extent any clause, phase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 11. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Approved:

MARIA GATTA
MAYOR

ATTEST: KIMBERLY A JUNGFER, RMC
BOROUGH CLERK

APPROVED: April 21, 2005
ADOPTED: May 19, 2005

ORDINANCE #793
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13-26 (MEDICAL BENEFITS) OF THE CODE OF THE BOROUGH OF OCEANPORT.

BE IT ORDAINED, by the Borough Council of the Borough of Oceanport, that Chapter 13-26 (Medical Benefits) of the code of the Borough of Oceanport is hereby amended and supplemented as follows:

A. Health Benefits Plan.

- (1) All full-time permanent employees shall become eligible for single enrollment in the Borough's hospitalization, medical and major medical and major medical group insurance plan, effective 60 days after the date of employment. Additionally, after 36 (THIRTY SIX) months of continuous uninterrupted employment, all full-time permanent employees and their dependents shall become eligible for enrollment in the Borough's hospitalization, medical and major medical, and major medical group insurance plan. Any participant shall have the right to upgrade their plan coverage at his or her own cost.
- (2) The Borough shall pay the full premium for such medical plan for the employee (and, after 36 (THIRTY SIX) months of continuous uninterrupted employment, for the employee and his/her dependents) both during the term of employment and, provided that such employee remains insurable and has completed not less than 25 years of public employment ("employment period"), throughout the term of such employee's retirement. Such enrollment period shall consist of not less than 20 years of employment by the Borough, as well as employment by any other public employer qualifying for participation in the public employee's retirement system, provided that the total length of all such public employment shall be not less than 25 years. If an employee has completed less than 25 years of public employment but at least 10 years of employment by the Borough by the date upon which the retirement of any such employee shall become effective, the Borough shall pay the full premium for such medical plan for the employee and his/her dependents for a period of one year following the date such retirement becomes effective, provided that such employee remains insurable. Thereafter, the retired employee may elect to continue such coverage; provided, however, that the employee remains insurable and agrees to pay for the cost of continued participation in such plan. In addition to the medical benefits provided for the employees retiring with 25 years of service or more, the Borough shall provide medical benefits (hospitalization and major medical insurance) for surviving spouses of retired employees who die, until the surviving spouse attains the age of 65. In the event the surviving spouse shall remarry while receiving medical benefits as herein provided, all such benefits shall terminate upon such marriage.

B. Dental Plan.

- (1) All full-time permanent employees are eligible for single enrollment in the Borough's dental plan. Additionally, after 36 (THIRTY SIX) months of continuous uninterrupted employment, all full-time permanent employees and their dependents shall become eligible for enrollment in the Borough's dental

plan. New full time employees shall become eligible for enrollment in this plan 60 days after the date of employment.

- (2) The Borough shall pay the full premium of this plan.
- C. Leave of absence. The Borough shall not be required to furnish either health benefits or dental coverage for any employee during an approved leave of absence from Borough employment unrelated to health issues. However, such employee on an approved leave of absence unrelated to health issues shall have the option of continuing any such coverage by paying the cost thereof.
- D. That the within Ordinance shall become effective upon final passage and adoption. That is, the within Ordinance shall not have any retroactive application to existing coverage afforded to existing employees.
- E. That all Ordinances, or parts of Ordinances, inconsistent herewith are hereby repealed.

Approved:

MARIA GATTA
MAYOR

ATTEST: KIMBERLY A JUNGFER, RMC
BOROUGH CLERK

ORDINANCE #794**An Ordinance Supplementing Chapter 42A (Littering) of the Code of the Borough of Oceanport****SECTION I. Purpose:**

An ordinance to establish and supplement requirements to control littering in the Borough of Oceanport, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Litter - any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
- b. Litter Receptacle - a container suitable for the depositing of litter.
- c. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

SECTION III. Prohibited acts and regulated activities:

1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

SECTION IV. Enforcement:

The primary parties responsible for the enforcement of the within Ordinance and the issuance of a Complaint for any violation thereof, shall be the Police Department and/or the Code Enforcement Officer.

SECTION V. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$200.00 (TWO HUNDRED DOLLARS).

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Inconsistent Ordinances Repealed:

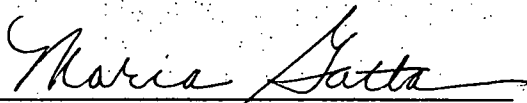
All Ordinances, or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this 21st day of July, 2005, by the Borough Council of the Borough of Oceanport.

Approved:



MARIA GATTA
MAYOR

ATTEST: LUCILLE A. JUNGFER, RMC
BOROUGH CLERK

APPROVED: June 20, 2005

ADOPTED: July 21, 2005

ORDINANCE #795**An Ordinance Creating Chapter 43B (Yard Waste Collection Program)
of the Code of the Borough of Oceanport****SECTION I. Purpose:**

An ordinance to establish a yard waste collection and disposal program in the Borough of Oceanport, so as to protect the public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II Definitions:

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein, unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

d. Yard Waste – means leaves and grass clippings.

SECTION III. Yard Waste Collection

Sweeping, raking, blowing or otherwise placing yard waste which is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street, or said party shall be deemed to be in violation of this ordinance.

SECTION IV. Enforcement:

The primary parties responsible for the enforcement of the within Ordinance and the issuance of a Complaint for any violation thereof, shall be the Police Department and/or the Code Enforcement Officer.

SECTION V. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$200.00 (TWO HUNDRED DOLLARS).

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Inconsistent Ordinances Repealed:


All Ordinances, or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this 21st day of July, 2005, by the Borough Council of the Borough of Oceanport.

Approved:


MARIA GATTA
MAYOR

ATTEST: KIMBERLY A. JUNGFER, RMC
BOROUGH CLERK

APPROVED: June 20, 2005

ADOPTED: July 21, 2005

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ORDINANCE #796
An Ordinance Creating Chapter 43C (Pet Waste) of the Code of the
Borough of Oceanport

SECTION I. Purpose:

An ordinance to establish requirements for the proper disposal of pet solid waste in the Borough of Oceanport, so as to protect the public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein, unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement, companionship, or for any other purpose.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

SECTION III. Requirement for Disposal:

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

SECTION IV. Exemptions:

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

SECTION V. Enforcement:

The primary parties responsible for the enforcement of the within Ordinance and the issuance of a Complaint for any violation thereof, shall be the Police Department and/or the Code Enforcement Officer.

SECTION VI. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$200.00 (TWO HUNDRED DOLLARS).

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Inconsistent Ordinances Repealed:

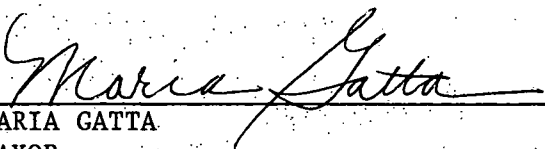
All Ordinances, or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION IX. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this 21st day of July, 2005, by the Borough Council of the Borough of Oceanport.

Approved:



MARIA GATTA
MAYOR

ATTEST: KIMBERLY A. JUNGFER, RMC
BOROUGH CLERK

\\Admin1\Municipal\Oceanport\Ordinance - Pet Waste.doc

APPROVED: June 20, 2005
ADOPTED: July 21, 2005

An Ordinance Creating Chapter 43D (Wildlife Feeding) of the Code of the Borough of Oceanport

SECTION I. Purpose:

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Oceanport, so as to protect the public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein, unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

SECTION III. Prohibited Conduct:

- a. No person shall feed, in any public park or on any other property owned or operated by the Borough of Oceanport, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

SECTION IV. Enforcement:

- a. The primary parties responsible for the enforcement of the within Ordinance and the issuance of a Complaint for any violation thereof, shall be the Police Department and/or the Code Enforcement Officer.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

SECTION V. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$200.00 (TWO HUNDRED DOLLARS).

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Inconsistent Ordinances Repealed:

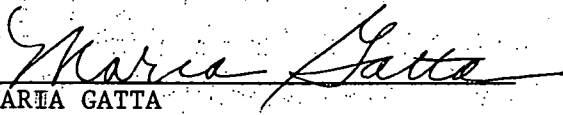
All Ordinances, or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this 21st day of July, 2005, by the Borough Council of the Borough of Oceanport.

Approved:


MARIA GATTA
MAYOR

ATTEST: KIMBERLY A. JUNGFER, RMC
BOROUGH CLERK

APPROVED: June 20, 2005

ADOPTED: July 21, 2005

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ORDINANCE #798**An Ordinance Creating Chapter 43E (Illicit Connection) of the Code of the Borough of Oceanport****SECTION I. Purpose:**

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Oceanport, so as to protect the public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

- a. Domestic sewage - waste and wastewater from humans or household operations.
- b. Illicit connection - any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Oceanport, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
- d. Municipal separate storm sewer system (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Oceanport or other public body, and is designed and used for collecting and conveying stormwater.
- e. NJPDES permit - a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.
- f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION III. Prohibited Conduct:

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Oceanport any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

SECTION IV. Enforcement:

The primary parties responsible for the enforcement of the within Ordinance and the issuance of a Complaint for any violation thereof, shall be the Police Department and/or the Code Enforcement Officer.

SECTION V. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$200.00 (TWO HUNDRED DOLLARS).

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Inconsistent Ordinances Repealed:

All Ordinances, or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this 21st day of July, 2005, by the Borough Council
of the Borough of Oceanport

Approved:



MARIA GATTA
MAYOR

ATTEST: KIMBERLY A. JUNGFER, RMC
BOROUGH CLERK

APPROVED: June 20, 2005
ADOPTED: July 21, 2005

ORDINANCE #799**An Ordinance Creating Chapter 43F (Improper Disposal of Waste) of the Code of the Borough of Oceanport****SECTION I. Purpose:**

An ordinance to prohibit the spilling, dumping, or disposal of materials (other than stormwater) to the municipal separate storm sewer system (MS4) operated by the Borough of Oceanport, so as to protect the public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein, unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)— a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Oceanport or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION III. Prohibited Conduct:

The spilling, dumping, or disposal of materials (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Oceanport is prohibited. The spilling, dumping, or disposal of materials (other than stormwater) in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

SECTION IV. Exceptions to Prohibition:

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff)
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows

- f. Residential car washing water, and residential swimming pool discharges
- g. Sidewalk, driveway, and street wash water
- h. Flows from fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable, using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts, and does not apply to engines or other enclosed machinery.

SECTION V. Enforcement:

The primary parties responsible for the enforcement of the within Ordinance and the issuance of a Complaint for any violation thereof, shall be the Police Department and/or the Code Enforcement Officer.

SECTION VI. Penalties:

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed \$200.00 (TWO HUNDRED DOLLARS).

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Inconsistent Ordinances Repealed:

All Ordinances, or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION IX. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this 21st day of July, 2005, by the Borough Council of the Borough of Oceanport.

Approved:



MARIA GATTA
MAYOR

ATTEST: KIMBERLY A. JUNGFER, RMC
BOROUGH CLERK

APPROVED: June 20, 2005

ADOPTED: July 21, 2005

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ORDINANCE #800

AN ORDINANCE CREATING ARTICLE IV AND ARTICLE V (ALCOHOLIC BEVERAGES) OF CHAPTER 22 (ALCHOLIC BEVERAGES) OF THE CODE OF THE BOROUGH OF OCEANPORT

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport as follows:

Article IV (Alcohol Beverages) and Article V (Alcohol Beverages) of Chapter 22 (Alcohol Beverages) of the Code of the Borough of Oceanport shall be created as follows:

Article IV

Section 22-17

Permit required for sale or consumption in public places.

No person shall serve, sell, dispense, drink, or consume any alcoholic beverages on a public or quasi-public street, alley, or road of the Borough of Oceanport, or upon any public or quasi-public grounds, parks, side-walks, or in any automobile, or other vehicle, or any other means of transportation, while on the public or quasi-public streets, highways, alleys, avenues, public grounds, parks, or side-walks, unless a licensed or permit has been issued for the same.

Article V

Section 22-18

Permit required for possession in public places.


No person shall possess any open bottle, can, or other container, which contains alcoholic beverages, on any public or quasi-public street, alley, or road of the Borough of Oceanport or upon any public or quasi-public grounds, parks, side-walks, or in any automobile, or other vehicle, or any other means of transportation, while on the public or quasi-public streets, highways, alleys, avenues, public grounds, parks, or side-walks, unless a licensed or permit has been issued for the same.

Section 22-19

Permit required for possession in public places.

Any person violating this Ordinance shall be liable, upon conviction, of a fine not to exceed \$100.00 (One Hundred dollars), together with Court costs.

1. That all Ordinances, or parts of Ordinances inconsistent herewith are hereby repealed.
2. That the within Ordinance shall become effective upon adoption and passing, according to law.


 MARIA GATTA
 MAYOR

ATTEST: KIMBERLY A. JUNGFER

INTRODUCED: June 20, 2005

APPROVED: June 20, 2005

ADOPTED: July 21, 2005

ORDINANCE #801
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 64 (VEHICLE AND TRAFFIC REGULATIONS) OF THE CODE OF THE BOROUGH OF OCEANPORT

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport as follows:

Ordinance Section 64-53 (Schedule XXI: Pedestrian Crosswalks) of Chapter 64 (Vehicle and Traffic Regulations) of the Code of the Borough of Oceanport shall be amended and supplemented as follows:

1. In accordance with the provisions of Section 64-26, the following locations are designated as mid-block pedestrian crosswalks:

| Street | Location |
|---------------------|---|
| Port Au Peck Avenue | Across from the Monmouth Park Racetrack Picnic Area |
| Oceanport Avenue | At the Monmouth Park Racetrack Clubhouse |

2. That the within Ordinance shall be subject to the Borough of Oceanport receiving confirmation that any and all applicable outside agencies have consented to the same.
3. That upon its adoption, a copy of the within Ordinance shall be forwarded to the Monmouth County Traffic Engineer's Office.

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Oceanport as follows:

1. Ordinance Section 64-49 (Schedule XVII: U-Turn Prohibition) of Chapter 64 (Vehicle and traffic Regulations) of the Code of the Borough of Oceanport shall be amended and supplemented as follows:
2. In accordance with the provisions of Section 64-22, no person shall make a U-Left Turn at any of the following locations:

East Main Street at Bridgewaters Drive
 East Main Street and Lake Avenue

BE IT FURTHER ORDAINED BY THE Borough Council of the Borough of Oceanport as follows:

Section 64-37 (Schedule V: No Parking Temporarily for Snow Plowing) shall be amended and supplemented as follows:

In accordance with the provisions of Section 64-7, no person shall park a vehicle upon any Borough street, or part of street, when snow has fallen and the accumulation is such that it covers the street, (the within restriction does not apply to Federal, State, County or Borough Personnel who are in the process of performing emergency services.

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Oceanport as follows:

1. Ordinance Section 64-39 (Schedule VII: One-Way Streets) of Chapter 64 (Vehicle and Traffic Regulations) of the Code of the Borough of Oceanport shall be amended and supplemented as follows:
2. In accordance with the provisions of Section 64-12, the following described streets, or parts of streets, are hereby designated as One-Way Streets in the direction indicated:

Wardell Circle: specifically, the Easterly Thoroughfare between the Wardell Circle Inner Roadway and Monmouth Boulevard, the One-Way being in a Northerly direction.

Wardell Circle: the Westerly Thoroughfare between the Wardell Circle Inner Roadway and Monmouth Boulevard, the One-Way being in a Southerly direction.

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Oceanport as follows:

Ordinance Section 64-41 (Schedule IX: Stop Intersections) of Chapter 64 (Vehicle and traffic Regulations) of the Code of the Borough of Oceanport shall be amended and supplemented as follows:

1. In accordance with the provisions of Section 64-14, the following described intersections are hereby designated as Stop Intersections:

Intersection

Shapen Way and Morris Place

Stop Sign On

Shapen Way

Park Street and Horseneck Point Road Park Street

2. That all Ordinances, or parts of Ordinances inconsistent herewith, are hereby repealed.
3. That the within Ordinance shall become effective upon adoption and passage according to Law.

MARIA GATTA
MAYOR

INTRODUCED: JUNE 20, 2005
APPROVED: JUNE 20, 2005
ADOPTED: JULY 21, 2005

ORDINANCE #802

**'AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY SUPPLEMENTING CHAPTER 68
ENTITLED 'ZONING' AND IMPOSING MANDATORY AFFORDABLE
HOUSING FEES AND ESTABLISHING AN AFFORDABLE HOUSING TRUST
FUND**

BE IT ORDAINED by the mayor and Council of Oceanport Borough, County of Monmouth and State of New Jersey, as follows:

Section 1. Purpose. The purpose of this ordinance is to establish mandatory affordable housing fees for new development in the Borough of Oceanport and establishment of an Affordable Housing Trust Fund for the rehabilitation of affordable housing in the Borough and other authorized affordable housing uses.

Section 2. Chapter 68, Article X, Section 68-37 is adopted as new reading as follows:

_____ Affordable Housing
a. Findings and Purpose.

1. The Borough finds and declares that the creation and preservation of affordable housing in the Borough serves the public interest.

Maintaining and improving a stock of sound affordable housing requires affirmative steps by local government working cooperatively with public bodies at all levels and with the private sector. The purpose of this Section is to create in the Borough of Oceanport a trust fund from payment of development fees to assist in the marshaling of public and private monies dedicated to affordable housing projects and programs.

2. The New Jersey Supreme Court, in *Holmdel Builder's Ass'n. v.*

Holmdel Township, 121 N.J. 550 (190), determined that mandatory development fees are both statutorily and constitutionally permissible.

The Court further anticipated that the Council on Affordable Housing would promulgate appropriate development fee rules specifying, among other things, the standard for these development fees. The purpose of this Section is to provide such rules in accordance with the Fair Housing Act, N.J.S.A. 50:27D-301, and New Jersey Council on Affordable Housing Procedural and Substantive Regulations contained in N.J.S.C. 5:91 and 5:94 et seq.

3. The purpose of the Affordable Housing Contribution ordinance is to help fund the construction of new housing affordable to low and moderate income families in the Borough; to fund a regional contribution agreement(s); and/or to fund any other programs for low and moderate income housing authorized by COAH regulations in order for the Borough of Oceanport to meet its responsibility for providing affordable housing pursuant to *Mount Laurel II* and the Fair Housing Act. The funds collected pursuant to this Section shall be used exclusively for the production of low and moderate income housing and to offset municipal expenses in developing and administering the program(s) under which low and

moderate income housing shall be produced to meet the fair share need to the Borough. No funds shall be expended except as permitted by N.J.A.C. 5:94-6.12 or as otherwise approved by the Court.

b. Definitions.

1. "Affordable Housing" means any deed restricted housing unit with an acquisition price or rent level not exceeding the maximum resale or rent level for low and moderate housing as set forth in N.J.A.C. 5:94-7.
2. "Council" or "COAH" means the New Jersey Council on Affordable Housing established under the Fair Housing Act of 1985.
3. "Development Fees" means money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH rules and regulations.
4. "Equalized assessed value" means the assessed value of a property divided by the current State equalization ratio for the municipality. Estimates at the time of building permit may be obtained by the tax assessor utilizing estimates for construction cost. Final equalized assessed value shall be determined at project completion by the municipal assessor.
5. "Judgment of Repose" means a judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

c. Affordable Housing Development Fee Schedule.

1. Unless the development is exempt, Affordable Housing Development Fees shall be paid by all residential developers within the District who construct fewer than nine units and all non-residential developers within all zones. Affordable Housing Development Fees collected shall be used for the sole purpose of providing low and moderate income housing.

- (a) Residential Development. Within all zoning districts of the Borough of Oceanport, developers of fewer than nine units shall pay a development fee of one (1%) percent of the equalized assessed value of any residential development provided no increase in density is permitted.

- (b) Nonresidential Fees. Within all zoning districts of the Borough of Oceanport, developers shall pay a fee of two (2%) per cent of equalized assessed value for non-residential development provided no increase in floor area is permitted.

2. In those circumstances where a developer secures the right to increased density or floor area as a result of securing a variance:

- (a) A residential developer who secures the right to increased density as a result of securing a "d" variance is granted pursuant to N.J.S.A.

40:55D-70d(5), for a residential project of fewer than nine units shall be

required to pay a fee of 1.0 percent of equalized assessed value for the number of units the developer could previously construct prior to receiving the variance; and a fee of 6.0 percent of equalized assessed value for all bonus units constructed. However, if the zoning on a site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.

- (b) A nonresidential developer who secures the right to increased development rights as a result of securing a "d" variance pursuant to N.J.S.A. 40:55D-70d(4) shall be required to pay a fee of 2.0 percent of equalized assessed value for the floor area the developer could previously construct prior to receiving the variance; and an increased fee of six percent for the additional floor area realized (above what is permitted by right under the existing zoning) rather than the development fee of two percent. However, if the zoning on a site has changed during the two-year period preceding the filing of the "d" variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the "d" variance application.

d. Eligible Exactions, Ineligible Exactions and Exemptions.

1. Developers of low and moderate income units shall be exempt from paying development fees.

2. Developers that have received preliminary or final approval prior to the effective date of this Ordinance shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.
3. Any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purpose of this definition, "market value" shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. The cost of the repair, reconstruction, or improvements shall be determined by an itemized construction cost estimate prepared, signed and sealed by any architect or professional engineer licensed by the State of New Jersey and submitted to the Construction Official. "Substantial improvement" is considered to commence when the first alteration of any wall, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - (a) Any project for improvement of a structure to comply with existing state or local building, fire health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration or a structure listed on the National register of Historic Places or a State Inventory of Historic Places.

e. Collection of Development Fees.

1. Developers shall pay 50 percent of the calculated development fee to the Borough of Oceanport at the issuance of building permits. The development fee shall be estimated by the tax prior to the issuance of building permits.
2. Developers shall pay the remaining fee to the Borough of Oceanport at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the tax assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at issuance of building permit.

f. Housing Trust Fund.

1. All development fees shall be deposited with the Chief Financial Officer of the Borough in a separate designated interest-bearing housing trust fund. In establishing the housing trust fund, the Borough shall provide whatever express written authorization that may be required by the bank utilized by the borough in order to permit the Court to direct the disbursement of development fees pursuant to subsection i. Of this Section. No money shall be expended from the

housing trust fund unless the expenditure conforms to a spending plan approved by the Court or COAH.

2. If the Court determines that the Borough of Oceanport is not in conformance with the Court's approval or COAH's rules on development fees, the Court is authorized to direct the manner in which all development fees collected pursuant to this Section shall be expended. Such authorization is pursuant to: (a) this Section; (b) COAH's rules on development fees; and (c) the written authorization from the Borough Committee to the named bank or depository.

g. Use of Funds.

1. The Borough shall use revenues collected from development fees for any activity approved by the Court for addressing the Borough's fair share obligation. The expenditures of all money shall conform to a spending plan approved by the Court.
2. No more than twenty (20%) per cent of the revenues collected from development fees shall be expended on administration costs necessary to develop, revise or implement the Housing Plan Element, including, but not limited to, salaries and benefits for Borough employees or consultant fees necessary to develop or implement a new construction program, a regional contribution agreement, a housing element, and an affirmative marketing program. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements.

Development fees shall not be used to defray the costs of existing staff, except that the Court or COAH may consider permitting fees to defray the cost of staff whose sole responsibility is to implement the housing element.

- h. Spending Plan. The Borough shall submit to the Court a spending plan for the development fees collected by it prior to the expiration of its Judgment of Repose. Plans to spend development fees shall consist of the following information:
 - 1. A projection of revenues anticipated from imposing fees on development, based on historic activity;
 - 2. A description of the administrative mechanism that the Borough will use to collect and distribute revenues;
 - 3. A description of the anticipated use of all development fees;
 - 4. A schedule for the creation or rehabilitation of housing units
 - 5. In the event the Borough envisions being responsible for public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
 - 6. The manner through which the Borough will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.
- i. Penalties.

1. In the event that any of the conditions set forth in subsection i.2 below occur, the Court shall be authorized, on behalf of the Borough, to direct the manner in which all development fees collected pursuant to this Section shall be expended. Should any such conditions occur, such revenues shall immediately become available for expenditure at the direction of the Court upon the Borough Clerk's receipt of written notification from the Court that such a condition has occurred. In furtherance of the foregoing, the Borough shall, in establishing a bank account pursuant to subsection f. of this Section, ensure that the Borough has provided whatever express written authorization may be required by the bank to permit the Court to direct disbursement of such revenues from the account following the delivery to the bank of the aforementioned written notification provided by the Court to the Borough Clerk.
2. Occurrence of the following may result in the Court taking an action pursuant tot subsection i.1 above:
 - (a) Failure to meet deadlines for information required by the Court in is review of this Section, the Borough's Housing Plan Element or Spending Plan;
 - (b) Failure to proceed through Court's process toward the grant of a Judgment;
 - © Failure to address the Court's conditions for a Judgment of Repose within the deadlines imposed by the Court;

- (d) Failure to submit accurate monitoring reports within the time limits imposed by the Court;
 - (e) Failure to implement the spending plan for development fees within the time limits imposed by the Court;
 - (f) Expenditure of development fees on activities not permitted by the Court;
 - (g) Revocation of the Borough's Judgment of Repose;
 - (h) Other good cause demonstrating that the revenues are not being used for the intended purpose.
- j. Expiration of Section. This Section shall expire if:
- 1. The Court dismisses or denies the Borough's Judgment of Repose.
 - 2. The Court revokes the Borough's Judgment of Repose.
 - 3. The Judgment of Repose expires prior to the Borough's filing an adopted housing element with COAH or the Court, seeking approval of the housing element with COAH or the Court or receiving COAH's or the Court's approval of this Section.

SECTION 3. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 4. This Ordinance shall take effect immediately upon its final passage, publication as required by law and approval by the Court.

MARIA GATTA, MAYOR

ATTEST: KIMBERLY JUNGFER, BOROUGH CLERK

ORDINANCE #803
AN ORDINANCE CREATING ARTICLE X OF CHAPTER 68 OF THE
CODE OF THE BOROUGH OF OCEANPORT TO FACILITATE
THE PROVISION OF AFFORDABLE HOUSING IN THE THIRD
HOUSING CYCLE IN CONNECTION WITH RESIDENTIAL AND NON-RESIDENTIAL
GROWTH AND DEVELOPMENT

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. ("FHA") that New Jersey municipalities have responsibilities concerning the need to provide affordable housing for low and moderate income households; and

WHEREAS, the Legislature conferred upon the New Jersey Council on Affordable Housing ("COAH") "primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State" (N.J.S.A. 52:27D-304 (a)); and

WHEREAS, in Mount Laurel II, the New Jersey Supreme Court ruled that municipalities had the power to address the Mount Laurel responsibilities the Court had created through "inclusionary devices" and rejected the notion "that inclusionary measures amount to a taking without compensation" (see Mount Laurel II at 271); and

WHEREAS in Mount Laurel II, the Supreme Court also stated, "Zoning does not require that land be used for maximum profitability and, on occasion, the goals may require something less" (see Mount Laurel II at 274 n. 34); and

WHEREAS, in the case entitled Holmdel Builders Association v. Township of Holmdel, 121 N.J. 550, 582 (1990), the Supreme Court referred to its Mount Laurel II decision and emphasized that in designing inclusionary ordinances, "no density bonuses, compensatory benefits, or subsidies were specifically required;" and

WHEREAS, in view of the principles established by the Supreme Court in these landmark decisions, COAH recently adopted substantive regulations that authorized municipalities to impose a set aside, without any density bonuses or other compensatory benefits, pursuant to which municipalities could require residential developers to construct one affordable residential unit for every eight market residential units the developer constructed (N.J.A.C. 5:94-4.4 (a)); and

WHEREAS, COAH specifically stated that "a municipality may adopt a zoning ordinance requiring a maximum of one for every eight market-rate residential units be affordable to low and

moderate income households, as long as the zoning has not allowed an increase in density to accommodate affordable housing" (36 N.J.R. 5775); and

WHEREAS, similarly, COAH has also authorized municipalities to require nonresidential developers to produce affordable housing without any enhancement or compensatory offsetting benefit based upon a formula that would require the production of one affordable residential unit for every 25 jobs projected to be created by the non-residential development (N.J.A.C. 5:94-4.4 (a)); and

WHEREAS, the Borough of Oceanport wishes to ensure that as developers build residential and nonresidential projects, they provide affordable housing consistent with COAH's regulations and policies described above-
policies soundly rooted in Supreme Court precedent; and

WHEREAS, implementation of these policies will ensure that as the Borough grows with housing affordable to the middle and upper class, it will also grow with housing affordable to lower income households and that as nonresidential development occurs, it will also provide housing affordable for lower income workers (see Mount Laurel II at 211); and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Borough Council of the Borough of Oceanport, County of Monmouth, and State of New Jersey that Chapter 68, Article X of the Zoning Code of the Borough of Oceanport is hereby amended as follows:

Section 1. –Legislative Intent.

The legislative intent set forth in the above preambles and recitals are hereby adopted and incorporated by reference herein as set forth herein at length.

Section 2. – The following new section is hereby added to Article

__ (Affordable Housing) of the Oceanport Borough Zoning Ordinance:

Chapter 68, Article X Section 68-36, entitled Provision of Affordable Housing Pursuant to Cycle Three "Growth Share" Regulations

A. QUANTIFICATION OF AFFORDABLE HOUSING OBLIGATION FOR RESIDENTIAL DEVELOPERS

Except as otherwise provided below, in those circumstances where an applicant seeks to develop land for residential purposes and receives no right to increased density or other compensatory bonus, said applicant shall produce and develop on site one residential unit of housing affordable to low and moderate income households for every eight market rate residential

units constructed (11.11 percent). In the event 11.11 percent of the total units should result in a fraction equaling one half percent or greater, the affordable housing obligation shall be rounded to the next higher number. Affordable housing shall be as defined under the FHA and COAH's regulations. Nothing herein shall relieve applicants seeking to develop projects of eight or fewer units from the requirements of the Borough's Mount Laurel development fee ordinance in its current form or any future form.

**B. PERMISSIBLE MANNER OF SATISFACTION OF AFFORDABLE HOUSING
OBLIGATION OF RESIDENTIAL DEVELOPERS**

- (1) For all Residential Development, an applicant shall satisfy its affordable housing production obligations through on-site housing production in connection with the residential project, which is one of the mechanisms permitted pursuant to COAH's regulations.
- (2) The other alternative mechanisms permitted under COAH's regulations include (a) the purchase of an existing market-rate home at another location in the community and its conversion to an affordable price-restricted home in accordance with COAH's criteria, regulations and policies, (b) the funding of a Regional Contribution Agreement ("RCA"), (c) participation in reconstruction and/or buy-down /write-down, buy-down/rent-down programs and/or (d) contributing to the Housing Trust Fund at a rate of 1% of the equalized assessed value of the new construction of residential development. An applicant shall only be entitled to satisfy its affordable housing obligation via one or more of the alternative mechanisms set forth above if the applicant demonstrates to the Planning Board that the requirement to construct one affordable residential unit for every eight market rate residential units on site constitutes a taking of the applicant's property without just compensation pursuant the applicable legal standards.
- (3) Before the applicant's development application for final site plan or subdivision approval is deemed complete consistent with the Municipal Land Use Law and the Oceanport Zoning Ordinances, the applicant must secure written permission the Oceanport Borough Planning Board as to the exact

manner in which alternative mechanism(s) will be used to achieve the creation of one affordable residential unit for every eight market rate residential units.

- (4) Full and complete satisfaction of compliance with the affordable housing requirements of the development shall be a specific, automatic, essential and non-severable condition of all land use approvals. Pursuant to this condition, the applicant must demonstrate that it has satisfied the Planning Board's affordable housing condition of approval prior to obtaining the first building permit and compliance with the affordable housing condition shall be a continuing condition of all Planning Board approvals for development.

C. QUANTIFICATION OF AFFORDABLE HOUSING OBLIGATION FOR NON-RESIDENTIAL DEVELOPERS

Except as otherwise provided below, in those circumstances where an applicant seeks to develop for non-residential purposes and receives no right to an increased Floor Area Ratio, as defined by Chapter 68, Article X of the Borough's code, or other compensatory bonus, the developer shall provide one non-age-restricted affordable residential unit for every twenty five (25) jobs projected to be created by its development. The calculation of the number of jobs and employment opportunities shall be in accordance with Appendix E to N.J.A.C. 5:94-1, et. seq. entitled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share."

D. PERMISSIBLE MANNER OF SATISFACTION OF AFFORDABLE HOUSING OBLIGATION OF NON-RESIDENTIAL DEVELOPERS

- (1). For all Nonresidential Development, the applicant may satisfy its affordable housing production obligation through the various mechanisms COAH regulations authorize including, (a) on-site housing production in connection with a residential component of the project, (b) the purchase of an existing market-rate home at another location in the community and its conversion to an affordable price-restricted home in accordance with COAH's criteria, regulations and policies, (c) the funding of a Regional Contribution Agreement ("RCA"), (d) participation in reconstruction and/or buy-down/write-down, buy-down/rent-down programs, and/or (e) contributing to the Housing Trust Fund at a rate of 2% of equalized assessed value of the new construction for Commercial development.

(2) The applicant shall present its planned method of compliance to the Planning Board at the time of application filing and the Board shall, in its discretion, advise the applicant whether the proposed method of compliance is acceptable, or whether an alternative technique or combination of techniques permitted by COAH regulations would be acceptable.

(3) Full and complete satisfaction of compliance with the affordable housing requirements of the development shall be a specific, automatic, essential, and non-severable condition of all approvals. Pursuant to the condition, the applicant must demonstrate that it has satisfied the Planning Board's affordable housing condition of approval prior to obtaining the first building permit and compliance with the affordable housing condition shall be a continuing condition of all approvals for development.

E. PERMISSIBLE MANNER OF SATISFACTION OF AFFORDABLE HOUSING OBLIGATION OF MIXED-USE DEVELOPERS

For all projects which include a combination of both residential and non-residential development, the affordable housing obligation created by the residential portion of the project is set forth in Section A above. The permissible manner of satisfaction of the affordable housing obligation for the residential component is set forth in Section B above. The affordable housing obligation created by the non-residential portion of the project is set forth in Section C above. The permissible manner of satisfaction of the affordable housing obligation for the residential component is set forth in Section D above.

F. COMPLIANCE WITH COAH'S RULES

The affordable unit(s) to be produced pursuant to Paragraphs A, B, C, D and E (above) shall be available to a low income individual or household should only one affordable unit be required. Thereafter, each of the affordable units shall be divided evenly between low and moderate income individuals and households except in the event of the applicable formulas result in an odd number of affordable units; in which event the unit shall be a low income residential unit. All affordable units shall strictly comply with COAH's regulations and policies including, but not limited to, pricing, phasing, bedroom distribution, controls on affordability, range of affordability, affirmative marketing, and income qualification. It shall be the applicant's responsibility, at its sole cost and expense, to arrange for a COAH and Borough approved qualification service to ensure full COAH compliance and to file such certifications,

reports and/or monitoring forms as may be required by COAH or the Court to verify COAH compliance of each affordable unit.

G. EXEMPTIONS

(1) Any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "market value" shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. The cost of the repair, reconstruction or improvements shall be determined by an itemized construction cost estimate prepared, signed and sealed by any architect or professional engineer licensed by the State of New Jersey and submitted to the Construction Official.. "Substantial improvement" is considered to commence when the first alteration of any wall, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the national Register of Historic Places or a State Inventory of Historic Places.

(2) Nonprofit organizations which have received tax exempt status pursuant to Section 501 © (3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges.

(3) Federal, state, county and local governments. In as much as the New Jersey Sports and Exposition Authority is an entity of the State beyond the control of a municipality's zoning ordinance, the Borough will attempt to enlist the cooperation of the Authority to help produce affordable housing.

(4) Public utilities under the jurisdiction of the New Jersey Board of Public Utilities to the extent that the construction for which approval is sought of a

facility which shall house equipment only and not to be occupied by any employees.

H. RIGHT TO GREATER SET-ASIDE IF COMPENSATORY BENEFIT

As to residential developers, nothing herein shall affect the Borough's ability to generate more affordable housing than the one for eight standard set forth above in the event that the developer secures a density bonus or other compensatory benefit through zoning or through a use variance. As to nonresidential developers, nothing herein shall affect the Borough's ability to generate more affordable housing than the one affordable residential unit for every 25 job standard set forth above in the event that the developer secures an increased FAR or other compensatory benefit through zoning or through a use variance.

Section 3. – Severability.

If any paragraph, section, subsection, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

Section 4. – Inconsistency.

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

Section 5. – Effective Date.

The ordinance shall take effect upon final passage and publication according to law and filing with the County Planning Board in accordance with N.J.S.A. 40:55D-16.

BOROUGH OF OCEANPORT

Maria Gatta

MARIA GATTA, Mayor

Attest.

Gmbush
Borough Clerk

ORDINANCE #804**AN ORDINANCE CREATING AND DESIGNATING CERTAIN RESERVE PARKING SPACES FOR CERTAIN BOROUGH OFFICIALS, POLICE AND AUTHORIZED POLICE VEHICLES AND VOLUNTEER FIREFIGHTERS.**

WHEREAS, in order to facilitate effective and orderly administration of the Municipality it is believed that it would be appropriate to designate/reserve certain parking places as follows:

- a. In front of the Municipal Complex for the Mayor and Borough Clerk respectively,
- b. The rear of the Municipal Complex, 8 parking spaces which have been traditionally reserved for police/authorized vehicles.
- c. At the Port-Au-Peck Chemical Hose Company 10 parking spaces which have been traditionally reserved for fire/authorized vehicles.

WHEREAS, notwithstanding the above, there is no known designation officially designating/restricting the aforementioned parking spaces.

WHEREAS, the Oceanport Borough Council is of the opinion that designating/restricting the aforesaid parking spaces will be in the best interest of the Borough.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Oceanport as follows.

1. One standard parking space in the front of the Municipal Building shall be specifically designated or and reserved for the Mayor of the Borough of Oceanport.
2. One standard parking space in the front of the Municipal Building shall be specifically designated for and reserved for the Borough Clerk.
3. Eight parking spaces located in the rear of the Municipal Complex shall be specifically designated for and reserved for police vehicles or other authorized vehicles only.
4. Ten parking spaces at the Port-Au-Peck Chemical Hose Firehouse shall be specifically designated for and reserved for Fire Department vehicles or other authorized vehicles only.
5. That the appropriate signs shall be displayed to advise the public of the specific parking designations/restrictions.
6. That a violation of the within Ordinance shall result in a fine not to exceed \$50.00(per each offense).
7. All ordinances or parts of Ordinances inconsistent herewith, are hereby repealed..
8. The within Ordinance shall take effect immediately following publication as required by law.

ATTEST;
BOROUGH CLERK

MARIA GATTA, MAYOR

ORDINANCE #805
AN ORDINANCE ESTABLISHING THE CADET CORPS
OF THE BOROUGH OF OCEANPORT FIRST AID SQUAD

BE IT ORDANINED by the Mayor and the Borough Council of the Borough of Oceanport, County of Monmouth, and State of New Jersey, as follows:

PREAMBLE: It is deemed advantageous by the Mayor and Council of the Borough to establish the Cadet Corps of the Borough of Oceanport First Aid Squad.

The purpose of the Cadet Corps is to assist the Borough of Oceanport First Aid Squad in providing emergency services and to insure continuous memberships, upon reaching the age of eighteen (18), into the First Aid Organization.

ESTABLISHED QUALIFICATIONS: There is hereby established the Cadet Corps of the Borough of Oceanport First Aid Squad. Any resident of the Borough between the ages of Sixteen (16)) and eighteen (18) is eligible to submit an application of membership. The prospective member must have maintained at least a C average, or the equivalent, during his/her last completed year in the school system. All applicants who are presently participating in the school system must have at least a C average, or the equivalent, in order to be favorably accepted. No application fee is required of any applicant.

APPLICATIONS AND INTERVIEWS: All applications will be reviewed at the following monthly meeting of the Cadet Corps. An interview will be arranged to take place within two (2) weeks after the monthly meeting.

CADET CORPS' BYLAWS: The Borough of Oceanport First Aid Squad is hereby authorized to enact appropriate bylaws, rules and regulations to govern the Cadet Corps and provide a copy of them to the Borough Clerk to be maintained in current form at the Borough Hall.

BE IT FURTHER ORDAINED that the public hearing on this Ordinance shall take place on March 16, 2006.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon approval by the Division of Local Government Services.

BOROUGH OF OCEANPORT


LUCILLE A. CHAUMP, Mayor

ATTEST: KIMBERLY A. JUNGFER, BOROUGH CLERK

ORDINANCE #806**AN ORDINANCE AUTHORIZING A PORTION OF EXISTING "MAPLE PLACE" TO BE DESIGNATED AS "FOGGIA WAY"**

WHEREAS, there exists within the Borough of Oceanport, two public right-of-ways / streets which are both currently identified as "Maple Place"; and

WHEREAS, such a designation can cause confusion amongst the Public and Motorists; and

WHEREAS, such a designation can also cause delay or confusion amongst the Borough's Emergency Responders, such as the First Aid Squad, the Police Department, and the Fire Departments; and

WHEREAS, such delay / confusion could potentially result in loss or injury; and

WHEREAS, the Borough Council of the Borough of Oceanport believes that changing the street / right-of-way names so that there is only one "Maple Place" would be in the best interests of the Borough of Oceanport and its Residents; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Oceanport as follows:

1. That the existing and currently unimproved "Maple Place" right-of-way (extending from Monmouth Boulevard, in a southerly direction) will be known as "Foggia Way."
2. That the Borough is hereby authorized to acquire and post appropriate street signs.
3. That a certified true copy of the within Ordinance shall be sent to the following:
 - a. The Borough's Police Department
 - b. The Borough's Fire Departments
 - c. The Borough's First Aid Squad
 - d. The Borough Engineer
 - e. The Borough Tax Assessor
 - f. The Borough Tax Collector
 - g. The Monmouth County Planning Board

h. Oceanport Post Master

4. That all Ordinances, or parts of Ordinances inconsistent herewith, are hereby repealed.
5. That the within Ordinance shall become effective upon adoption and passage according to Law.


LUCILLE A. CHAUMP, Mayor

INTRODUCED: February 20, 2006

APPROVED: February 20, 2006

ADOPTED: March 16, 2006

ORDINANCE #807
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A101
(ESTABLISHMENT OF PARKS) OF THE CODE OF THE BOORUGH OF
OCEANPORT

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, as follows:

ARTICLE II

1. Section A101-3: Establishment and naming

There is hereby established and dedicated to the residents of Oceanport a park to be known as the Maria Gatta Community Park.

2. A101-4 Boundaries

The boundaries of "Maria Gatta Community Park" are Lot 26.02, Block 88 and are more particularly described as follows:

All that tract or parcel of land and premises situated,
lying and being the Borough of Oceanport, in the
County of Monmouth, in the State of New Jersey
more particularly described on the attached Schedule
"A: description.

3. That all ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
4. That the within Ordinance shall become effective upon adoption, passage, according to law.

240
Job No. 70009.033
August 11, 2003

BIRDSALL ENGINEERING, INC.
611 INDUSTRIAL WAY WEST
EATONTOWN, NEW JERSEY 07724

**DESCRIPTION OF PROPOSED LOT 26.02, BLOCK 88, IN THE BOROUGH OF
OCEANPORT, MONMOUTH COUNTY, NEW JERSEY**

BEGINNING at a point in the Northeasterly line, as now established, of East Main Street, at the termination of the following three (3) courses and distances from the point of intersection of the Northeasterly line of East Main Street with the Northwesterly line of Port au Peck Avenue.

(a) North 88 degrees 00 minutes 15 seconds West, along the Northeasterly line of East Main Street, 35.63 feet to a point.

(b) North 39 degrees 32 minutes 01 seconds West, along the Northeasterly line, as now established, 30.00 feet from center-line, of East Main Street, 21.89 feet to an angle point in said line.

(c) North 36 degrees 32 minutes 35 seconds West, continuing along the Northeasterly line, 30.00 feet from center-line, of East Main Street, 653.40 feet and running from said

BEGINNING point

(1) North 36 degrees 32 minutes 35 seconds West, along the Northeasterly line, as now established 30.00 feet from center-line, of East Main Street, 40.00 feet to its intersection with the Northwesterly line of the entire tract of which this lot is a part; thence

(2) North 53 degrees 25 minutes 03 seconds East, along said Northwesterly line, 352.83 feet to an angle point in said line; thence

(3) North 36 degrees 34 minutes 57 seconds West, continuing along the aforesaid Northwesterly line of said entire tract, 385.30 feet to another angle point in said line; thence

(4) North 53 degrees 25 minutes 03 seconds East, still along said Northwesterly line, 80.00 feet to an angle point; thence

(5) North 36 degrees 34 minutes 57 seconds West, still along the aforesaid Northwesterly line of said entire tract, 107.07 feet to the Southeasterly line of Lake Drive, 42.00 feet wide; thence

(6) North 51 degrees 10 minutes 03 seconds East, along the Southeasterly line of Lake Drive, 173.27 feet, the Southerly line of proposed Lot 26.04; thence

(7) South 74 degrees 22 minutes 51 seconds East, along the Southerly line of proposed Lot 26.04, 541.01 feet to a point; thence

(8) North 02 degrees 07 minutes 57 second West, along the Easterly line of proposed Lot 26.04, 245.33 feet to a point; thence

(9) North 35 degrees 34 minutes 54 seconds West, along the Northeasterly line of proposed Lot 26.04, 549.53 feet to Southerly line of Fair View Place, 50.00 feet wide; thence

(10) North 74 degrees 15 minutes 06 seconds East, along the aforesaid Southerly line of Fair View Place, 431.79 feet to its intersection with the Southwesterly line of proposed Lot 26.03; thence

(11) South 56 degrees 23 minutes 21 seconds East, along the Southwesterly line of proposed Lot 26.03, 644.92 feet to a point of curvature; thence

(12) Southeastwardly continuing along the Southwesterly line of proposed Lot 26.03, along the arc of a curve having a radius of 580.00 feet and bearing to the right an arc distance of 317.13 feet to the end of said curve; thence

(13) South 23 degrees 16 minutes 22 seconds East still along the Southwesterly line of proposed Lot 26.03, 226.00 feet to an angle point in said line; thence

(14) South 10 degrees 43 minutes 16 seconds East still along the Southwesterly line of proposed Lot 26.03, 293.20 feet to another angle point in said line; thence

(15) South 08 degrees 24 minutes 45 seconds East still along the Southwesterly line of proposed Lot 26.03, 254.60 feet to the Northwesternly line of Port au Peck Avenue; thence

(16) South 70 degrees 12 minutes 48 seconds West along the Northwesternly line of Port au Peck Avenue, 734.35 feet to a point of curvature; thence

(17) Southwestwardly continuing along the Northwesternly line of Port au Peck Avenue along the arc of a curve having a radius of 1,050.00 feet and bearing to the left, an arc distance of 432.67 feet to its intersection with the Northeasterly line of proposed Lot 26.01; thence

(18) North 36 degrees 32 minutes 35 seconds West along the Northeasterly line of proposed Lot 26.01, 667.92 feet to a point; thence

(19) South 53 degrees 25 minutes 03 seconds West along the Northwesternly line of proposed Lot 26.01, 300.00 feet to the point or place of **BEGINNING**

Containing 39.865 acres.

Subject to a proposed 15.00 foot wide access right-of-way running through proposed Lot 26.02 from Port au Peck Avenue to proposed Lot 26.04 and being more particularly described as follows:

BEGINNING at a point in the Northwesternly line of Port au Peck Avenue where the same is intersected by a Northeasterly line of Lot 26.02, Block 88, Borough of Oceanport Tax Map of which this right-of-way is a part and running from said **BEGINNING** point

(1) South 70 degrees 12 minutes 48 seconds West along the aforesaid Northwesternly line of Port au Peck Avenue 15.30 feet to a point thence, along a line parallel with and distant 15.00 feet Southwesterly from, measured at right angles thereto, the aforesaid Northeasterly line of proposed Lot 26.02 the following five (5) courses and distances;

(2) North 08 degrees 24 minutes 45 seconds West, 257.32 feet to a point; thence

(3) North 10 degrees 43 minutes 16 seconds West, 291.25 feet to a point; thence

(4) North 23 degrees 16 minutes 22 seconds West, 224.35 feet to a point of curvature; thence

(5) Northwestwardly along the arc of a curve having a radius of 565.00 feet and bearing to the left an arc distance of 308.93 feet to the end of said curve; thence

- (6) North 56 degrees 23 minutes 21 seconds West, 105.48 feet to a point of curvature; thence
- (7) Northwestwardly, Westwardly, and Southwestwardly along the arc of a curve having a radius of 50.00 feet and bearing to the left an arc distance of 50.02 feet to the end of said curve; thence
- (8) South 66 degrees 17 minutes 16 seconds West 107.72, feet to a point of curvature; thence
- (9) Southwestwardly along the arc of a curve having a radius of 42.50 feet and bearing to the left an arc distance of 31.45 feet to the end of said curve; thence
- (10) South 23 degrees 53 minutes 31 seconds West, 96.48 feet to a point of curvature; thence
- (11) Southwestwardly along the arc of a curve having a radius of 57.50 feet and bearing to the right an arc distance of 39.34 feet to the end of said curve; thence
- (12) South 63 degrees 05 minutes 30 seconds West, 203.17 feet to a point; thence
- (13) South 60 degrees 21 minutes 07 seconds West, 136.58 feet to the Easterly line of proposed Lot 26.04; thence
- (14) North 02 degrees 07 minutes 57 seconds West along the aforesaid Easterly line of proposed Lot 26.04 16.91 feet to a point; thence along a line being parallel with and distant 15.00 feet Northwesterly from, measured at right angles thereto, the herein described courses eight (8) through thirteen (13) the following six (6) courses and distances to the aforesaid Northeasterly line of proposed Lot 26.02;
- (15) North 60 degrees 21 minutes 07 seconds East, 129.13 feet to a point; thence
- (16) North 63 degrees 05 minutes 30 seconds East, 203.53 feet to a point of curvature; thence
- (17) Northeastwardly, along the arc of a curve having a radius of 42.50 feet and bearing to the left an arc distance of 29.08 feet to the end of said curve; thence
- (18) North 23 degrees 53 minutes 31 seconds East, 96.48 feet to a point of curvature; thence
- (19) Northeastwardly along the arc of a curve having a radius of 57.50 feet and bearing to the right an arc distance of 42.55 feet to the end of said curve; thence
- (20) North 66 degrees 17 minutes 16 seconds East, 143.25 feet to the aforesaid Northeasterly line of propose Lot 26.02; thence along said line the following five (5) courses and distances;
- (21) South 56 degrees 23 minutes 21 second East, 141.01 feet to a point of curvature; thence
- (22) Southeastwardly along the arc of a curve having a radius of 580.00 feet and bearing to the right an arc distance of 317.13 feet to the end of said curve; thence
- (23) South 23 degrees 16 minutes 22 seconds East, 226.00 feet to a point; thence
- (24) South 10 degrees 43 minutes 16 seconds East, 293.20 feet to a point; thence
- (25) South 08 degrees 24 minutes 45 seconds East, 254.60 feet to the point or place of
BEGINNING

Subject to a 40.00 foot wide public right-of-way being part of proposed Lot 26.02 running from East Main Street and adjoining the Northwesterly line of Lot 26.01 and being more particularly described as follows:

BEGINNING at a point in the Northeasterly line, as now established 30.00 feet from center-line, of East Main Street where the same is intersected by the dividing line between proposed Lots 26.01 and 26.02, Block 88, Oceanport Tax Map and running from said **BEGINNING** point

- (1) North 36 degrees 32 minutes 35 seconds West, along the aforesaid Northeasterly line of East Main Street 40.00 feet to it's intersection with the Northwestern line of the entire tract of which this right-of-way is a part; thence
- (2) North 53 degrees 25 minutes 03 seconds East, along said Northwestern line of said entire tract, also being the Northwestern line of proposed Lot 26.02, 300.00 feet to a point; thence
- (3) South 36 degrees 32 minutes 35 seconds East, 40.00 feet to the most Northerly corner of proposed Lot 26.01; thence
- (4) South 53 degrees 25 minutes 03 seconds West, along the dividing line between proposed Lots 26.01 and 26.02 300.00 feet to the point or place of **BEGINNING**.

Subject to the exception of a 10.00 foot wide future road widening of East Main Street dedicated to the Borough of Oceanport and being more particularly described as follows: "...

BEGINNING at a point in the Northeasterly line of East Main Street, as now established 30.00 feet from center-line, where the same is intersected by the Southwesterly line of proposed Lot 26.02, Block 88 Borough of Oceanport Tax Map and running from said **BEGINNING** point

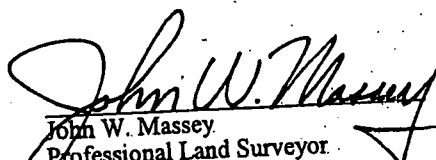
- (1) North 36 degrees 32 minutes 35 seconds West, along the aforesaid Northeasterly line, 30.00 feet from center-line, of East Main Street 40.00 feet to its intersection with the Northwestern line of proposed Lot 26.02 of which this parcel is a part; thence
- (2) North 53 degrees 25 minutes 03 seconds East, along the Northwestern line of proposed Lot 26.02, 10.00 feet to a point; thence
- (3) South 36 degrees 32 minutes 35 seconds East, along a line being parallel with and distant 10.00 feet Northeastwardly from, measured at right angles thereto, the herein described first course 40.00 feet to the dividing line between proposed Lots 26.01 and 26.02; thence
- (4) South 53 degrees 25 minutes 03 seconds West, along said dividing line 10.00 feet to the point or place of **BEGINNING**

Containing 400 square feet.

This description is in accordance with a map entitled "Final Map Major Subdivision NJ Sports and Exposition Authority, Block 88, Lot 26, Borough of Oceanport, Monmouth County, New Jersey, prepared by Birdsall Engineering Inc., and dated January 13, 2003".

Prepared By:

BIRDSALL ENGINEERING, INC.


 John W. Massey
 Professional Land Surveyor
 License No. 27518

#808

4-20-06

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO
ESTABLISH A CAP BANK**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit an increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Oceanport in the County of Monmouth finds it advisable and necessary to increase its CY 2005 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determined that a 3.5% increase in the budget for said year, amounting to \$36,168.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2005 budget year, the final appropriations of the Borough of Oceanport shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by three and one half (3.5) percent amounting to \$126,590.38 and the CY 2005 municipal budget for the Borough of Oceanport be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

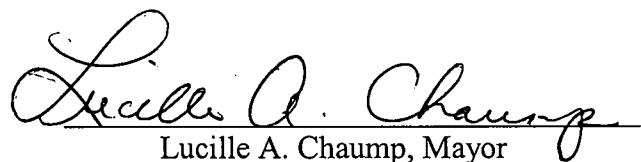
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

Introduced: March 16, 2006

Approved: March 16, 2006

Adopted: April 20, 2006


Lucille A. Chaump, Mayor

#809
4-20-06

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2006 unless otherwise stated, be and the same is hereby amended to read as follows:

A. ADMINISTRATIVE AND EXECUTIVE

| | |
|--------------------------|-----------|
| Mayor | \$ 1,500. |
| Councilpersons, each (6) | \$ 1,500. |
| Borough Clerk | \$62,550. |
| Administrative Assistant | \$29,690 |
| Planning Board Secretary | 2,000. |

B. FINANCIAL ADMINISTRATION

| | |
|--------------------------------|-----------|
| Chief Financial Officer | \$29,880. |
| Accounts Payable/Payroll Clerk | \$21,161. |

C. BOARD OF ASSESSORS

| | |
|----------------------|-----------|
| Assessor | \$21,301. |
| Assessor's Assistant | \$ 2,100. |

D. COLLECTION OF TAXES

| | |
|------------------|----------|
| Tax Collector | \$54,194 |
| Tax Office Clerk | \$28,560 |

E. MUNICIPAL COURT

| | |
|----------------------------------|-----------|
| Municipal Court Judge | \$16,273 |
| Court Administrator | \$34,398 |
| Court Assistant-Hourly rate \$15 | \$ 1,500. |
| Municipal Prosecutor | \$ 7,000. |
| Public Defender | \$ 2,606 |

F. LEGAL SERVICES

| | |
|------------------|------------|
| Borough Attorney | \$ 10,000. |
|------------------|------------|

G. PLANNING BOARD

| | |
|-------------------------|-----------|
| Planning Board Attorney | \$ 5,000. |
|-------------------------|-----------|

H. POLICE DEPARTMENT

| | |
|--------------------|------------|
| Chief | \$114,675. |
| Captain | \$ 91,972. |
| Detective Sergeant | \$ 89,604. |
| Sergeants, each | \$ 87,236. |
| Detective | \$ 84,870. |

| | |
|--|------------|
| Patrolman I (commencing fifth year of service and each year thereafter) | \$ 82,501 |
| Patrolman II (commencing fourth year of service) | \$ 72,930. |
| Patrolman III (commencing third year of service) | \$ 63,358 |
| Patrolman IV (commencing second year of service) | \$ 53,786 |
| Patrolman V (commencing first year of service) | \$ 44,215 |
| Probationary Patrol VI | \$ 34,642 |

Dispatchers:

| | |
|--|-----------|
| Third year of employment and each year thereafter | \$43,853 |
| Second year of employment | \$38,897 |
| First year of employment | \$35,843. |
| Records Clerk | \$ 5,000 |
| School Crossing Guards, each | \$ 8,770. |

I. PUBLIC WORKS & RECYCLING DEPARTMENT

| | |
|----------------|-----------|
| Superintendent | \$57,338. |
| Foreman | \$39,094 |
| Helper I | \$30,358 |
| Helper II (A) | \$29,273 |
| Helper III | \$27,105 |

J. RECREATION AND EDUCATION

| | |
|---|-----------|
| Recreation Coordinator | \$10,425 |
| Action Camp Director | \$ 0 |
| Recreation Aides & Assistants, total | \$0 |
| Building Custodian | \$ 1,780. |
| Community Center/Old Wharf House reservations | \$ 0 |
| Library Aide | \$ 1,200. |
| Construction Official | \$23,759 |
| FEMA Application Prep Work | \$ 1,668. |
| Building Inspector | \$11,699 |
| Plumbing SubCode Official | \$ 6,300 |
| Electrical SubCode Official | \$ 8,000 |
| Housing Inspector | \$ 4,801 |
| Fire SubCode Official | \$ 4,040 |

| | |
|----------------------------|----------|
| Building SubCode Official | \$ 6,531 |
| Zoning Enforcement Officer | \$ 5,619 |
| Control Person | \$ 8,215 |

K. BOARD OF HEALTH

| | |
|-----------|----------|
| Registrar | \$ 1,512 |
| Secretary | \$ 521. |

L. EMERGENCY MANAGEMENT

| | |
|----------------------------------|-----------|
| Emergency Management Coordinator | \$ 3,000. |
|----------------------------------|-----------|

M. PUBLIC SAFETY COMMITTEE

| | |
|---------------------------|-----------|
| Public Safety Coordinator | \$ 3,000. |
|---------------------------|-----------|

N. CASUAL LABOR \$8.00 - \$20.00 per hour

O. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 2006:

| | |
|-------------------------------------|----------|
| 6 through 10 years of service----- | \$1,000. |
| 11 through 15 years of service----- | \$1,500. |
| 16 through 20 years of service----- | \$2,000. |
| 21 through 25 years of service----- | \$2,500. |
| 25 years of service and above----- | \$3,000. |

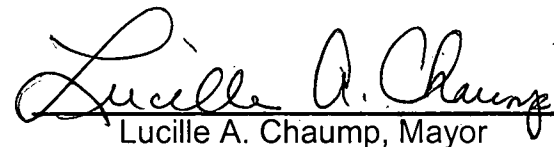
SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Introduced: March 16, 2006

Approved: March 16, 2006

Adopted: April 20, 2006


Lucille A. Chaump, Mayor

#810

4-20-06

BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY APPROPRIATING \$804,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$572,774 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST OF AND FOR MAKING THE DOWN PAYMENT FOR SAID IMPROVEMENTS HEREIN AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements and purposes described in Section 3 of this bond ordinance is hereby authorized as general improvements to be made or acquired by the Borough of Oceanport, County of Monmouth, New Jersey (hereinafter referred to as the "Borough"). For said improvements or purposes stated in Section 3 of this bond ordinance, there is hereby appropriated \$804,300, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$30,146 appropriated herein for down payment purposes, which sum is now available by virtue of a provision in a currently or previously adopted budget of the Borough and is currently available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law").

Section 2. For the financing of said improvement or purpose and to meet the part of said \$804,300 appropriation not otherwise provided for hereunder, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not to exceed \$572,774 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable notes of the Borough in a principal amount not exceeding \$572,774 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed \$572,774, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated or about the date of its issuance and shall be payable not more than one (1) year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said notes shall be signed and shall be under the seal of said Borough and attested as permitted by law. The appropriate Borough officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine all matters in connection with this ordinance and also the power to sell said notes is hereby delegated to the Chief Financial Officer of the Borough (the "Financial Officer"), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law, and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes

pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for the financing for which said obligations are to be issued are:

| Improvement/Acquisition | Maximum Estimated Cost | Down Payment (Capital Improvement Fund) | Grants | Bonds or Notes Authorized | Useful Life (years) |
|---|------------------------|---|-----------|---------------------------|---------------------|
| 1. Fire Department exhaust system, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$33,500 | \$1,675 | \$-0- | \$31,825 | 15 |
| 2. Road improvements-Summerfield and Horse Point Road, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$319,000 | \$15,950 | \$-0- | \$303,050 | 10 |
| 3. Road improvements-Crescent, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$165,000 | \$750 | \$150,000 | \$14,250 | 10 |
| 4. Sidewalk and Road Improvements-Wolf Hill, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$59,800 | \$421 | \$51,380 | \$7,999 | 10 |

| | | | | | |
|---|-----------|---------|-------|-----------|----|
| 5. Police Department-Computer servers and related software, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$29,000 | \$1,450 | \$-0- | \$27,550 | 5 |
| 6. Public Work- heavy duty loader to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$115,000 | \$5,750 | \$-0- | \$109,250 | 5 |
| 7. Building and Grounds- Cement pad at Park Avenue Firehouse and repair Asbury Avenue Bulkhead to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$50,000 | \$2,500 | \$-0- | \$47,500 | 15 |
| 8. Fuel Pumps, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$13,000 | \$650 | \$-0- | \$12,350 | 15 |
| 9. Leaf Compost facility, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$20,000 | \$1,000 | \$-0- | \$19,000 | 15 |

| | | | | | |
|--------|-----------|----------|-----------|-----------|--|
| TOTALS | \$804,300 | \$30,146 | \$201,380 | \$572,774 | |
|--------|-----------|----------|-----------|-----------|--|

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and is property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of such purpose is within the limitations of the Local Bond Law taking into consideration the amount of the said obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, and for the purposes, as set forth in Section 3 hereof, the average period of usefulness is ____ years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the Borough determined as provided in said Law is increased by this bond ordinance \$572,774 and obligations authorized hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$160,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received for the purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this Bond Ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

Section 6. The governing body of the Borough hereby covenants, to the extent any debt obligations issued hereunder are issued as debt obligations with a tax exempt status, on behalf of the Borough to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance.

Said obligations shall be direct, unlimited obligations of the Borough , and, unless paid from other revenues of the Borough , the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 8. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available there for public inspection.

Section 9. The Borough reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough , within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. The provisions of this ordinance are severable to the extent any clause, phase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

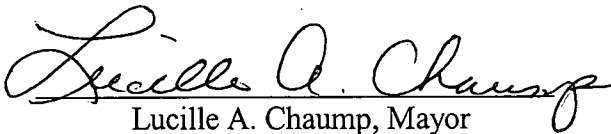
Section 11. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Introduced: March 16, 2006

Approved: March 16, 2006

Adopted: April 20, 2006


Lucille A. Chaump, Mayor

Ordinance #811
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2006 unless otherwise stated, be and the same is hereby amended to read as follows:

POLICE DEPARTMENT

| | |
|------------------------------|-----------|
| Chief | \$104,333 |
| School Crossing Guards, each | \$ 8,770. |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.


LUCILLE A. CHAUMP, MAYOR

INTRODUCED: May 18, 2006

APPROVED: May 18, 2006

ADOPTED: June 15, 2006

**ORDINANCE #812
BOROUGH OF OCEANPORT**

**AN ORDINANCE ENTITLED SEX OFFENDER RESIDENCY RESTRICTION
ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF
MONMOUTH AND STATE OF NEW JERSEY**

Whereas, the Borough Council believes that evidence supports the conclusion that recidivism among pedophilia is established and unacceptable;

Whereas, the Borough Council wishes to protect its youth, vulnerable and innocent members of our community from the horrid consequences of such conduct; and

Whereas, the Borough Council, interested not in providing additional punishment, the province of the State, but in protecting its youth, recognizes the need to create zones of protection to advance and protect the health, safety and welfare of our children;

- I. NOW THEREFORE: BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, NEW JERSEY** that a new chapter, Chapter 187, entitled "Sex Offender Residency Restriction Ordinance of the Municipal Code of the Borough of Oceanport is created as follows:

1. Sex Offender Residency Prohibition:

No person over the age of eighteen (18) who has been convicted of a violation of any crime against a minor as identified in N.J.S.A. 2C:7-2, and who as a result of said conviction is required to register with the proper authorities pursuant to N.J.S.A. 2C:7-1, et seq, *Registration and Notification of Release of Certain Offenders*, commonly identified as "Megan's Law," shall be permitted to reside or live within 2,500 feet of:

- A. Any public or private school where the dominant school population is eighteen years of age or younger;
- B. Any day care center;
- C. Any day camp;
- D. Any Township, County or State Park, including the so-called "pocket parks" within individual neighborhoods;
- E. Any public or commercial recreation facility clearly designed to attract children as a "playground;"

- F. Any commercial recreation facilities frequented by young people, including theaters, bowling alleys, sports fields, exercise or sporting facilities; or
- G. Any convenience store.
- H. Any public library.

2. Relocation Requirement.

Any person meeting the definition set forth hereinabove who resides or lives within 2,500 feet of any of the facilities listed in _____ within the Township shall have sixty (60) days from receipt of written notice of the prohibition set forth in section 1 of this Ordinance to move to a location that is not within 2,500 feet of one of those facilities within the Borough. Failure to so relocate as stated herein shall constitute a violation of this section.

3. Prior Residency Established.

This prohibition shall not be deemed applicable to a person who had established a residence prior to the effective date of this statute throughout the period of time the person remains a resident at that precise location.

4. Brown Zones.

In addition to the foregoing, an area encompassing 150 feet in all directions from any facilities identified in section 1 (A-H) of this Ordinance shall be established and defined as a "Brown Zone." No person identified in section 1 of this Ordinance shall be permitted to stop, sit, stand or loiter within a Brown Zone for any period of time exceeding the amount of time reasonably necessary to engage in a legitimate activity within the Brown Zone, and only for the period of time actually engaging in that legitimate activity.

Penalty for Violation.

A. Each and every individual in violation of this Ordinance shall be subject to a fine not exceeding \$1,250.00, which fine shall be at least \$500.00, or shall be required to perform community service not to exceed 90 days for each offense, or shall be imprisoned for a term not exceeding 90 days. In the event of a second offense, even concurrent, occurring within one year of the prior offense, for which the individual was sentenced to pay a fine, the court shall sentence the individual to an additional fine as a repeat offender. The additional fine imposed by the court upon a repeat offender shall not be less than \$500.00 nor more than \$1,250.00, but shall be calculated separately from the fine imposed for the violation of this Ordinance.

B. Each and every individual in violation of this Ordinance shall be subject to a fine not exceeding \$500.00, which fine shall be at least \$200.00 or shall be required to

perform community service not to exceed 30 days for each offense, or shall be imprisoned for a term not exceeding 30 days. In the event of a second offense, even concurrent, occurring within one year of the prior offense, for which the individual was sentenced to pay a fine, the court shall sentence the individual to an additional fine as a repeat offender. The additional fine imposed by the court upon a repeat offender shall not be less than \$200.00 nor more than \$500.00, but shall be calculated separately from the fine imposed for the violation of this ordinance.

II. BE IT FURTHER ORDAINED THAT:

A. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of the inconsistency.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reasons held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

III. This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.


LUCILLE A. CHAUMP, MAYOR

INTRODUCED: May 18, 2006

APPROVED: May 18, 2006

ADOPTED: June 15, 2006

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2006 unless otherwise stated, be and the same is hereby amended to read as follows:

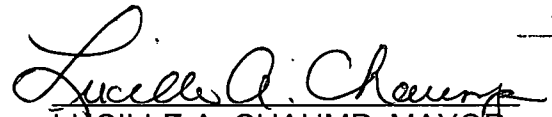
POLICE DEPARTMENT

Special Class 2 officer

\$8.00-\$20.00

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.


LUCILLE A. CHAUMP, MAYOR

INTRODUCED:

APPROVED:

ADOPTED:

#814

An Ordinance Establishing a Donated Leave Program within the Borough of Oceanport

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport to establish a leave sharing arrangement to provide assistance to employees who may experience a catastrophic health condition or injury.

I. ELIGIBLE EMPLOYEES

A. A Borough employee shall be eligible to receive donated sick or vacation leave from a fellow employee if the employee:

1. Has completed at least one (1) year of continuous service with the Borough; and,
2. Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off; and,
3. Has not, in the two (2) year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
4. Has:
 - i. Suffered from a catastrophic health condition or injury; or,
 - ii. Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or
 - iii. Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).

II DEFINITIONS

A. For purposes of this section, a "catastrophic health condition or injury" shall be defined as either:

1. A life-threatening condition or combination of conditions; or
2. A period of disability required by his or her mental or physical health or the health of the employee's fetus which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for sixty (60) or more work days.

B. With respect to an employee's immediate family member, a "catastrophic health condition or injury" is either:

1. A life threatening condition or combination of conditions; or
2. A period of disability required by his or her mental or physical health which requires the care of a physician who provides a medical verification of the need for the family's member's care by the employee for sixty (60) or more work days.

III PARTICIPATION IN THE PROGRAM

A. In order to participate in the program, an employee must request that the approval of his or her participation in the program from the Governing Body, as a leave recipient or leave donor. The employee's supervisor may make such a request on behalf of the employee for his or her participation in the program as a leave recipient.

1. The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the Borough medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be.
2. When the Borough has approved an employee as a leave recipient, the Borough shall, with the employee's consent, post or circulate the employee's name along with those of the eligible employees in a conspicuous manner to encourage the donation of leave time, and shall provide notice to all negotiations representatives in the Borough.
3. If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.

B. A leave recipient must receive at least five (5) sick days or vacation days or a combination thereof from one (1) or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than ten (10) such days to any one recipient.

1. A leave recipient shall receive no more than thirty (30) sick days or vacation days, and shall not receive any such days on a retroactive basis.
2. A leave donor shall have remaining at least twenty (20) days of accrued sick leave, if donating sick leave and at least twelve (12) days of accrued vacation leave, if donating vacation leave.
3. A leave donor shall not revoke the leave donation.

C. While using donated leave time the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work.

1. Any unused, donated leave shall be returned to the leave

donors on a prorated basis upon the leave recipient's return to work, except that if the prorating of leave days results in less than one (1) day per donor to be returned, that leave time shall not be returned.

2. Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick days which he or she had received through the leave donation program.

IV. PROHIBITION OF THREATS OR COERSCION

A. Borough employees shall be prohibited from threatening or coercing or attempting to threaten or coerce other employees for the purpose of interfering with rights involving donating, receiving or using donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its enactment.


LUCILLE A. CHAUMP, MAYOR

INTRODUCED: JUNE 15, 2006

APPROVED: JUNE 15, 2006

ADOPTED: July 15, 2006

815

8-17-06

An Ordinance Establishing Procedures to Adopt Personnel Practices and authorizing the Borough Clerk to implement Said Practices with all Officials, Appointees, Employees, Prospective Employees, Volunteers, and Independent Contractors of the Borough of Oceanport

BE IT ORDAINED that Chapter 13 (Personnel Policy) of the Code of the Borough of Oceanport is hereby repealed in its entirety and replaced with the following;

TITLE : CHAPTER 13 PERSONNEL ORDINANCE

Section 1. The Borough of Oceanport shall by resolution adopt and amend from time to time personnel policies and procedures including rules concerning the hiring and termination of employees, terms and conditions of employment, and regulations required to comply with applicable Federal and State employment related law. The personnel policies and procedures adopted pursuant to said resolution(s) shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the Borough.

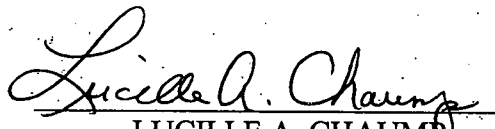
Section 2. The Borough Clerk shall be responsible to implement and enforce the personnel practices adopted by ordinance or resolution authorized pursuant to this section. If there is a conflict between said personnel practices and any duly adopted and lawful collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the practices adopted pursuant to this ordinance shall prevail.

Section 3. This ordinance shall take effect immediately upon passage and publication as required by law.

INTRODUCED: JULY 20, 2006

APPROVED: JULY 20, 2006

ADOPTED: AUGUST 17, 2006


LUCILLE A. CHAUM
MAYOR

ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK

816
8.17.06

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7
(ECONOMIC DEVELOPMENT COMMITTEE) OF THE CODE OF THE
BOROUGH OF OCEANPORT.**

BE IT ORDAINED, by the Borough Council of the Borough of Oceanport, that Chapter 7 (Economic Development Committee) of the code of the Borough of Oceanport is hereby amended and supplemented as follows:

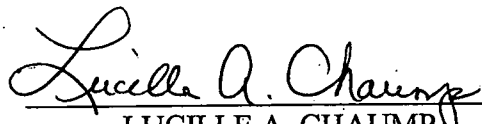
7-3 Composition , is hereby deleted and replaced by the following::

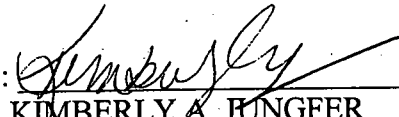
The Economic Development Committee of the Borough of Oceanport shall be composed of twelve (12) members. One of the members of the Committee shall be the President of the Board of Education or his/her designee from the Board of Education. The remaining eleven (11) members shall be nominated by the Mayor and confirmed by the vote of Council at their reorganization meeting or as is necessary by the event of a vacancy.

7.4 Appointments; terms of office is deleted and replaced with the following:

Terms of Office: Vacancies: The eleven (11) members (not the Board of Education member) shall serve for a term of three years or until their successors are appointed and qualified. Vacancies in the membership of the Committee, regardless of cause, shall be filled by an appointment by the Mayor, confirmed by the vote of Council, for the unexpired term thereof.

INTRODUCED: JULY 20, 2006
APPROVED: JULY 20, 2006
ADOPTED: AUGUST 17, 2006


LUCILLE A. CHAUMP
MAYOR

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK

817
10-20-06

BYLAWS OF THE BOROUGH OF OCEANPORT

[§ _____ Short Title

This chapter shall be known and may be cited as the "Bylaws of the Borough of Oceanport" and is hereinafter sometimes referred to as the "Bylaws" or "rules". These rules are established to work in conjunction and compliance with the laws set forth in State Statutes, and such law is not necessarily restated herein.

§ _____ Adoption of Bylaws

The Borough of Oceanport's Bylaws, dated September 21, 2006, adopted by Resolution, are hereby adopted by the Borough of Oceanport as a guide and reference for all Borough Officials of the Borough of Oceanport.

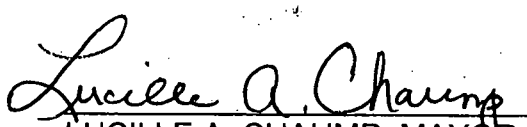
§ _____ Enforcement


The Governing Body of the Borough of Oceanport is hereby charged with promulgation and enforcement of the Bylaws and with recommending timely changes to this manual. Such changes shall be made by Resolution of the Bylaws adopted on September 21, 2006.

INTRODUCED: September 21, 2006

APPROVE:D: September 21, 2006

ADOPTED: October 20, 2006


LUCILLE A. CHAUMP, MAYOR

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK

ORDINANCE #818**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 64 (VEHICLE AND TRAFFIC REGULATIONS) OF THE CODE OF THE BOROUGH OF OCEANPORT**

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport as follows:

Ordinance Section 64-51 (Schedule XIX: Speed Limits) of Chapter 64 (Vehicle and Traffic Regulations) of the Code of the Borough of Oceanport shall be amended and supplemented as follows:

In accordance with the provisions of 64-24, the following speed limits for both directions of travel along the following streets are hereby designated:

| Name of Street | Speed Limit (mph) | Location |
|----------------|-------------------------|---------------|
| Crescent Place | 35 | Entire Length |

Ordinance Section 64-52 (Schedule XX : No passing zones) of Chapter 64. In accordance with the provisions of 64-25, no person shall pass in a No-passing zone on any of the following streets and described locations, And marked in accordance with the respective letters of authorization.

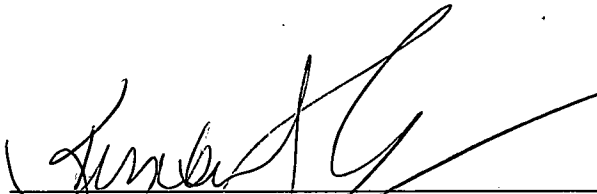
| Name of Street | Direction | Limits |
|----------------|-----------|--|
| Crescent Place | Both | From Eatontown Blvd. to Oceanport Avenue, a Distance of 2,640 feet, the Entire length. |

1. That the within Ordinance shall be subject to the Borough of Oceanport receiving confirmation that any and all applicable outside agencies have consented to the same.
2. That upon its adoption, a copy of the within Ordinance shall be forwarded to the Monmouth County Traffic Engineer's Office.

INTRODUCED: September 21, 2006

APPROVED: September 21, 2006

ADOPTED: October 20, 2006


KIMBERLY A. JUNGFER
BOROUGH CLERK
LUCILLE A. CHAUMP, MAYOR

280
ORD # 819
12-21-06

**AN ORDINANCE CREATING A REQUIREMENT THAT ALL PUBLIC AND
PRIVATE HOMES, BUILDING OR OTHER STRUCTURES HAVE AN
IDENTIFIABLE NAME OR NUMBER**

WHEREAS, in the interest of public safety, all homes, buildings and other structures shall clearly display, at a location that provides for unobstructed view from the street, the identifying building name and/or number or the commonly known mailing address numerals as recorded in the Borough Assessor's Office.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Oceanport as follows:

1. Home, building or other structure identification name or number shall be numeral type and located within four feet of the doorframe, which faces the nearest public street.
2. In the event the front door frame does not face the street, the home, building or other structure identification number shall appear on the corner of the building nearest the driveway or private road.
3. Home, building or other structure identification numerals shall be no less than four (4) inches in height on all structures less than fifty (50) feet from the road right-of-way.
4. For homes buildings or other structures that are more than fifty (50) feet from the road or are not clearly visible, numerals must also be displayed on a sign attached to a tree, fence or post visible from both directions the nearest roadway permits travel. Aid sign shall be placed at a height of at least three (30 Feet to assure that it will not be blocked by accumulated snow. Numerals displayed on street front signs shall not be less than three (3) inches in height.
5. All numerals affixed to any home, building, other structure or sign shall be colored /tinted in a contrasting color to their immediate background.
6. Effective January 1, 2007, any home, building or other structure, which requires a permit or certificate of occupancy, shall be required to comply with the building identification requirement.
7. The Oceanport Police Department and the Zoning Officer are hereby authorized and directed to enforce the provisions of this ordinance.
8. Any person or persons convicted of a violation of any of the provision of this ordinance shall be subject to a fine of twenty-five (\$25.) for the first offense, fifty dollars (\$50.) for a second offense and one hundred dollars (\$100.) for each subsequent offense thereafter.

820

CALENDAR YEAR 2007
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Oceanport in the County of Monmouth finds it advisable and necessary to increase its CY 2007 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 46,170.53 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2007 budget year, the final appropriations of the Borough of Oceanport shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 161,596.85, and that the CY 2007 municipal budget for the Borough of Oceanport be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: February 15, 2007

Approved: February 15, 2007

Adopted: March 15, 2007

Lucille A. Chaump

Lucille A. Chaump, Mayor

ORDINANCE #821
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2006 unless otherwise stated, be and the same is hereby amended to read as follows:

A. ADMINISTRATIVE AND EXECUTIVE

| | |
|--------------------------|---------------------|
| Mayor | \$ 1,500. |
| Councilpersons, each (6) | \$ 1,500. |
| Borough Administrator | \$15,000. - 90,000. |
| Borough Clerk | \$50,000. - 70,000. |
| Administrative Assistant | \$28,000. - 31,000. |
| Planning Board Secretary | \$2,000. - 3,500. |

B. FINANCIAL ADMINISTRATION

| | |
|--------------------------------|--------------------|
| Chief Financial Officer | \$25,000 - 40,000. |
| Accounts Payable/Payroll Clerk | \$19,000 - 25,000. |

C. BOARD OF ASSESSORS

| | |
|----------------------|--------------------|
| Assessor | \$18,000 - 24,000. |
| Assessor's Assistant | \$1,000 - 2,000. |

D. COLLECTION OF TAXES

| | |
|------------------|--------------------|
| Tax Collector | \$48,000 - 58,000. |
| Tax Office Clerk | \$28,000 - 31,000. |

E. MUNICIPAL COURT

| | |
|--------------------------------------|--------------------|
| Municipal Court Judge | \$16,273. |
| Court Administrator | \$30,000 - 45,000. |
| Court Assistant-Hourly rate \$15 -20 | \$1,500. |
| Municipal Prosecutor | \$7,000. |
| Public Defender | \$2,606. |

F. LEGAL SERVICES

| | |
|------------------|-----------|
| Borough Attorney | \$10,000. |
|------------------|-----------|

G. PLANNING BOARD

| | |
|-------------------------|-----------|
| Planning Board Attorney | \$ 5,000. |
|-------------------------|-----------|

H. POLICE DEPARTMENT

| | |
|--------------------|------------|
| Chief | \$104,333. |
| Captain | \$ 91,972. |
| Detective Sergeant | \$ 89,604. |
| Sergeants, each | \$ 87,236. |
| Detective | \$ 84,870. |

| | |
|--|------------|
| Patrolman I (commencing fifth year of service and each year thereafter) | \$ 82,501. |
| Patrolman II (commencing fourth year of service) | \$ 72,930. |
| Patrolman III (commencing third year of service) | \$ 63,358. |
| Patrolman IV (commencing second year of service) | \$ 53,786. |
| Patrolman V (commencing first year of service) | \$ 44,215. |
| Probationary Patrol VI | \$ 34,642. |

Dispatchers:

| | |
|--|--------------------|
| Third year of employment and each year thereafter | \$35,000 - 47,000. |
| Second year of employment | \$31,000 - 34,000. |
| First year of employment | \$28,000 - 30,000. |
| Records Clerk | \$28,000 - 52,000. |
| School Crossing Guards, each | \$6,500 - \$9,000. |

I. PUBLIC WORKS & RECYCLING DEPARTMENT

| | |
|---|--------------------|
| Superintendent | \$55,000 - 70,000. |
| Foreman | \$38,000 - 50,000. |
| Helper I (3 rd year of employment) | \$34,000 - 37,000. |
| Helper II (2 nd year of employment) | \$31,000 - 33,000. |
| Helper III (1 st year of employment) | \$28,000 - 31,000. |

J. RECREATION AND EDUCATION

| | |
|---|-------------------|
| Recreation Coordinator | \$9,000 - 13,000. |
| Action Camp Director | \$0 |
| Recreation Aides & Assistants, total | \$0 |
| Building Custodian | \$1,700 - 1,800. |
| Community Center/Old Wharf House reservations | \$0 |
| Library Aide | \$1,200. |

| | |
|----------------------------|--------------------|
| Construction Official | \$20,000 - 25,000. |
| FEMA Application Prep Work | \$1,200 - 1,700. |
| Building Inspector | \$10,000 - 13,000. |

| | |
|-----------------------------|-------------------|
| Plumbing SubCode Official | \$8,000 -10,000. |
| Electrical SubCode Official | \$8,000 - 10,000. |
| Housing Inspector | \$4,000 - 5,500. |
| Fire SubCode Official | \$4,000 - 5,500. |
| Building SubCode Official | \$6,000 - 7,000. |
| Zoning Enforcement Officer | \$0 - 10,000. |
| Code Enforcement Officer | \$0 - 10,000. |
| Control Person | \$8,000 -10,000. |

K. BOARD OF HEALTH

| | |
|-----------|------------------|
| Registrar | \$1,000 - 2,000. |
| Secretary | \$400 - 600. |

L. EMERGENCY MANAGEMENT

| | |
|----------------------------------|------------------|
| Emergency Management Coordinator | \$3,000 – 4,000. |
|----------------------------------|------------------|

M. PUBLIC SAFETY COMMITTEE

| | |
|---------------------------|------------------|
| Public Safety Coordinator | \$3,000 – 4,000. |
|---------------------------|------------------|

N. CASUAL LABOR

\$8.00 - \$20.00 per hour

O. SPECIAL CLASS II OFFICER

\$8.00- \$20.00 per hour

O. LONGEVITY will be allowed in accordance with the schedule as listed below to all full time employees. (40 hours per week, 52 weeks per year) This provision shall be retroactive to January 1, 2006:

| | |
|-------------------------------------|----------|
| 6 through 10 years of service----- | \$1,000. |
| 11 through 15 years of service----- | \$1,500. |
| 16 through 20 years of service----- | \$2,000. |
| 21 through 25 years of service----- | \$2,500. |
| 25 years of service and above----- | \$3,000. |

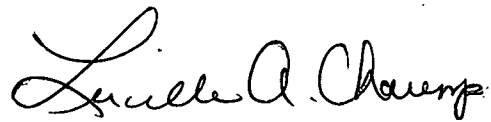
SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Introduced: March 1, 2007

Approved: March 1, 1007.

Adopted: March 15,2007.


LUCILLE A. CHAUMP
MAYOR

AN ORDINANCE TO REGULATE THE MAKING, CREATION OR PERMITTING OF ANY UNREASONABLE, DISTURBING OR UNNECESSARY NOISE IN THE BOROUGH OF OCEANPORT.

A. The making, creation or permitting of any unreasonable, disturbing or unnecessary noise in the Borough of Oceanport is hereby prohibited, especially between the hours of 10:00 p.m. and 8:00 a.m. Consequently, no person shall, between the hours of 10:00 p.m. and 8:00 a.m., permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside a fully enclosed principal dwelling on a property in the Borough of Oceanport such that the noise created thereby is plainly audible at the boundary line of such property. When an officer can hear plainly audible music or other noise beyond the property line of the noise-generating property or can hear plainly audible noise on a complainant's property before 8:00 a.m. and after 10:00 p.m., or any unreasonably, disturbing or unnecessary noise at any other time, there is a violation of this chapter. The following activities, among others, are declared unreasonably loud, disturbing and unnecessary noise in violation of this chapter, but said enumeration shall not be deemed to exclude those not included herein:

- (1) The sounding of a horn or signaling device on an automobile, motorcycle or other motorized vehicle, except as a warning of danger, and then only for such period of time as is reasonably necessary for giving such warning.
- (2) The playing, using, operating or permitting to be played, used or operated of any electronic receiving set, musical instrument, phonograph or machine or device for the production or reproduction of sound with louder amplified volume than is necessary for the normal sensitive hearing of the person so playing, using or operating such instrument or device and such persons who are voluntary listeners thereto or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants.
- (3) The use, operation or playing of any loudspeakers, amplifiers or other machines or devices for the producing of sound which is cast upon a public street for the purpose of commercial advertising or attracting the attention of the public.
- (4) The keeping of any animal or bird which by causing frequent or long-continued noise, such as barking or jabbering, shall disturb the peace, quiet and comfort of neighboring inhabitants.
- (5) Creating an audible noise by landscape and erection, excavation, demolition, alteration or repair of any building other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday, except in the case of urgent matters and the interest of public safety and health.
- (6) The making, creation or permitting of any unreasonable, disturbing or unnecessary noise in the Borough of Oceanport is hereby prohibited, especially between the hours of 10:00 p.m. and 8:00 a.m. Consequently, no person shall, between the hours of 10:00 p.m. and 8:00 a.m., permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside a fully enclosed principal dwelling on a property in the Borough of Oceanport such that the noise created thereby is plainly audible at the boundary line of such property.

B. "Plainly audible" shall mean any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is live entertainment or a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of the music at the property line as described hereinabove is sufficient to verify plainly audible sound. The law enforcement officer need not determine the title, specific words or the artist performing the song.

The following acts are declared to be loud, disturbing and unnecessary noise in violation of this section, but said enumeration shall not be deemed to be exclusive:

- A. The playing of any radio, phonograph or any musical instrument or instruments or singing or talking in such a manner or in such volume as to annoy or disturb the quiet, comfort, repose, peace or tranquility of persons in any dwelling, hotel or other type residence, dwelling, hotel or structure, particularly during the hours between 10:00 p.m. and 8:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
- B. The playing of music outdoors, either live or recorded, after 10:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday is hereby prohibited.
- C. The keeping of any animal or bird which has been causing or causes frequent or long continued noise which disturbs the comfort and repose of any person within the vicinity.
- D. The shouting of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood. Editor's Note: See Ch. 155, Peddling and Soliciting.
- E. The sound of any horn or signal device on any automobile or other vehicle, while not in motion or occupied, as well as any structure, for any unnecessary or unreasonable period of time, except as a danger signal.

Exceptions

The within prohibitions shall not apply to any public works projects for construction deemed to be in the public's welfare, safety and for the public good and only with prior approval from the Mayor and Council.

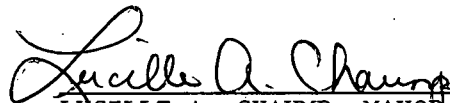
Violations and penalties.

- A. Any person found guilty of violating any of the foregoing provisions concerning unnecessary noise shall be subject to a fine not to exceed \$100 for an initial violation. For a second violation, the fine shall not exceed \$250. For a third violation, the fine shall not exceed \$350. For a fourth violation, the fine shall be \$350, but not to exceed \$500. For a fifth violation, the fine shall be \$500 but not to exceed \$1,000. For a sixth violation, the fine shall be \$5,000 as well as for any violation thereafter. Additionally, when an offender is found to be a repetitious offender, the offender shall be subject to not more than 30 days imprisonment in the county jail for each subsequent offense. A repeat offender shall be defined by an individual who has violated the statute more than three times within a two-week period of time.
- B. Each day that this chapter is violated shall constitute a separate offense.

Introduced April 19, 2007

Approved April 19, 2007

Adopted May 24, 2007


LUCILLE A. CHAUMP, MAYOR

BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY APPROPRIATING \$1,115,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$840,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST OF AND FOR MAKING THE DOWN PAYMENT FOR SAID IMPROVEMENTS HEREIN AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Oceanport, County of Monmouth, New Jersey (hereinafter referred to as the "Borough"). For said improvements or purposes stated in Section 3 of this bond ordinance, there is hereby appropriated \$1,115,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$49,500 appropriated herein for down payment purposes, which sum is now available by virtue of a provision in a currently or previously adopted budget of the Borough and is currently available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law").

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,115,000 appropriation not otherwise provided for hereunder, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not to exceed \$840,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable notes of the Borough in a principal amount not exceeding \$840,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed \$840,500, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated or about the date of its issuance and shall be payable not more than one (1) year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said notes shall be signed and shall be under the seal of said Borough and attested as permitted by law. The appropriate Borough officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine all matters in connection with this ordinance and also the power to sell said notes is hereby delegated to the Chief Financial Officer of the Borough (the "Financial Officer"), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law, and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for the financing for which said obligations are to be issued are:

| Improvement/Acquisition | Maximum Estimated Cost | Down Payment (Capital Improvement Fund) | Grants | Bonds or Notes Authorized | Useful Life (years) |
|---|---------------------------|---|------------------|------------------------------|---------------------------|
| 1. Acquisition of Rescue Pumper, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$450,000 | \$22,500 | \$-0- | \$427,500 | 10 |
| 2. 2007 Road improvements-program, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$350,000 | \$15,000 | \$150,000 | \$185,000 | 10 |
| 3. Acquisition of First Aid Ambulance, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$160,000 | \$8,000 | \$-0- | \$152,000 | 5 |
| 4. Street Signage, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$20,000 | \$1,000 | \$-0- | \$19,000 | 5 |
| 5. Trailers for the Police Department to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$40,000 | \$2,000 | \$-0- | \$38,000 | 15 |
| 6. Old Wharf Park improvements, to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$75,000 | \$-0- | \$75,000 | \$-0- | 15 |
| 7. Recycling yard Fencing to include all costs, equipment, improvements, appurtenances and materials related thereto and/ or necessary therefor. | \$20,000 | \$1,000 | \$-0- | \$19,000 | 15 |
| TOTALS | \$1,115,000 | \$49,500 | \$225,000 | \$840,500 | |

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purposes described in Section 3 of this bond ordinance are not current expenses and is property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of such purpose is within the limitations of the Local Bond Law taking into consideration the amount of the said obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, and for the purposes, as set forth in Section 3 hereof, the average period of usefulness is 9.30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the Borough determined as provided in said Law is increased by this bond ordinance \$840,500 and obligations authorized hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$140,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received for the purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this Bond Ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

Section 6. The governing body of the Borough hereby covenants, to the extent any debt obligations issued hereunder are issued as debt obligations with a tax exempt status, on behalf of the Borough to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other revenues of the Borough, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 8. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available there for public inspection.

Section 9. The Borough reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or

notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. The provisions of this ordinance are severable to the extent any clause, phase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 11. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

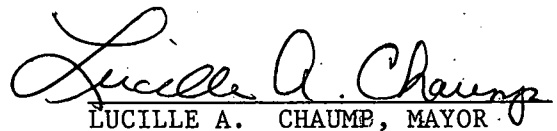
Section 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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Introduced April 19, 2007

Approved April 19, 2007

Adopted May 24, 2007


LUCILLE A. CHAUMP, MAYOR

ORDINANCE NO. 825**VITAL STATISTICS
OF THE CODE OF THE BOROUGH OF OCEANPORT**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that Vital Statistics shall include the following:

ARTICLE I: Marriages, Civil Union, Domestic Partnerships, Birth, Death licenses and records.

A. The following is established as the fee to be paid for licenses:

- (1) Marriage License: \$28.00
- (2) Civil Union License: \$28.00
- (3) Domestic Partnership: \$28.00

B. The Registrar of Vital Statistics of the Borough shall keep a record of all marriages, civil unions, domestic partnerships, births, and deaths and shall report to the appropriate authorities as required by law. The fee for certified or certification copies of marriages, civil unions, domestic partnerships, birth or death certificates shall be \$15.00 each.

C. For any search of files and records of marriages, civil unions, domestic partnerships, births or deaths when the correct year is supplied by the applicant, the Registrar shall be entitled to as provided by N.J.S.A. 26:8-64.

ARTICLE II: Miscellaneous Fees and Services:

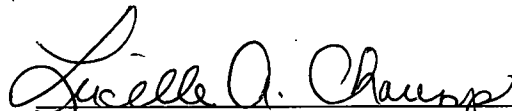
A. For marriage, civil union or domestic partnership ceremonies performed by the Mayor of Oceanport the fee shall be \$100.00

BE IT FURTHER ORDAINED, All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, if any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the ordinance.

BE IT FURTHER ORDAINED, This ordinance shall take effect upon final passage and publication according to law.

Introduced: June 21, 2007
Approved: June 21, 2007
Adopted: July 19, 2007


LUCILLE A. CHAUMP, MAYOR

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"
PASSED AND APPROVED MARCH 16, 1939**

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey as follows:

1. That Section 1 of the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, be and the same is hereby amended to read as follows:

SECTION 1. The yearly salaries of the Officials and employees herein named beginning January 1, 2007 unless otherwise stated, be and the same is hereby amended to read as follows:

POLICE DEPARTMENT

| | |
|----------------------|----------------------|
| Chief | \$108,767 |
| Action Camp Director | \$3,000 - 5,000. |
| Travel Camp Director | \$ 750 - 1,000 |
| Camp Counselors | \$6 to \$11 per hour |

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Introduced May 24, 2007
Approved May 24, 2007
Adopted June 21, 2007


LUCILLE A. CHAUMP, MAYOR