

Chapter 826

FRANCHISES

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[HISTORY: Adopted by the Mayor and Council of the Borough of Oceanport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Cable Television Franchise
[Adopted _____, by Ord. No. _____]

§ _____-1. Purpose.

The borough hereby grants to the Comcast Cablevision of Monmouth County, Inc., renewal of its nonexclusive municipal consent to place in, upon, along, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the borough poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Borough of Oceanport of a cable television and communications system.

§ _____-2. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission (FCC) rules and regulations, 47 CFR Subsection 76.1 et seq. and the Cable Communications Policy Act, 47 U.S.C., Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq. and shall in no way be construed to broaden, alter or conflict with the federal or state definitions:

ACT or CABLE TELEVISION ACT - Chapter 186 of the General Laws of New Jersey and subsequent amendments thereto, Section 48:5A-1 et seq.

BASIC CABLE SERVICE - Any service tier which includes the retransmission of local television broadcast signals as defined by the FCC.

BOARD or BPU - The Board of Public Utilities, State of New Jersey.

COMPANY - The grantee of rights under this ordinance and is known as Comcast Cablevision of Monmouth County, Inc.

FCC - The Federal Communications Commission.

MUNICIPALITY or BOROUGH - The Borough of Oceanport, County of Monmouth, State of New Jersey.

OFFICE - The Office of Cable Television (OCTV) of the Board of Public Utilities.

§ _____. Statement of findings.

Public hearings conducted by the borough concerning the renewal of municipal consent herein given to the company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings have been fully open to the public and the borough having received at said public hearings all comments regarding the qualifications of the company to receive this renewal of municipal consents, the borough hereby finds that the company possesses the necessary legal, technical, character, financial and other qualifications and that the company's operating and construction arrangements are adequate and feasible.

§ _____. Duration of franchise.

The consent herein granted shall expire 15 years from the date of expiration of the previous certificate of approval as issued by the Board of Public Utilities, with the borough entitled to review the performance of the company at the end of five years. If the promises of the company, as referenced herein, are not kept, the borough may commence revocation proceedings, which shall be in conformance with applicable statutes and regulations.

§ _____. Franchise fee.

Pursuant to the terms and conditions of the Act, the company shall, during each year of operation under the consent granted herein, pay to the borough 2% of the gross revenues from recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the borough or any higher amount permitted by the Cable Television Act otherwise allowable by law, whichever is greater.

§ _____. Other Commitments.

(a) The company shall, upon the request of the Borough, send a representative to one public meeting per year of the Borough Council for the purpose of discussing the Company's performance during the preceding twelve months, and to answer questions from the public or the council about the company and its service.

(b) The company shall provide the Borough with a one-time technical grant of \$18,000.00 within four (4) months.

§ _____. Franchise territory.

The consent granted under this ordinance to the renewal of the franchise shall apply to the entirety of the borough and any property subsequently annexed hereto.

§ _____. Extension of service.

Comcast shall be required to proffer service along any public right-of-way to any person's residence or business located in all areas of the franchise territory as described herein, at tariffed rates for standard and nonstandard installations.

§ _____. Construction timetable.

Comcast shall complete an upgrade of the cable television distribution system in the borough by March 31, 1996. The upgraded system shall be a hybrid fiber-optic/coaxial cable system following a fiber to the node architecture. The upgraded system shall provide improved picture quality, enhanced signal reliability and increased channel capacity. The system shall have a minimum capacity of 60 channels.

§ _____ Construction requirements.

- A. Restoration. In the event that the company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surface in the natural topography, the company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.
- B. Relocation. If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place the company, upon reasonable notice by the municipality, shall remove, relay or relocate its equipment at the expense of the company.
- C. Removal or trimming of trees. During the exercise of its rights and privileges under this franchise, the company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the company. Such trimming shall be only to the extent necessary to maintain proper clearance for the company's wires and cables.

§ _____. Customer service.

In providing services to its customers, Comcast shall comply with N.J.A.C. 14:18 and all applicable state and federal statutes and regulations. Comcast shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on same to the community upon reasonable request of the borough.

§ _____ Municipal complaint officer.

The Office of Cable Television is hereby designated as the complaint officer for the Borough of Oceanport pursuant to N.J.S.A. 48:5A-26b. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The municipality shall have the right to request copies of records and reports pertaining to complaints by

borough customers from the OCTV.

Borough residents shall also maintain the right to contact the Borough offices or the Borough's Cable Television Advisory Committee for assistance in attaining information from, or resolving disputes with the Company. The Company shall respond to inquiries from the Borough and Advisory Committee in the same manner in which it responds to similar inquiries from the Official Complaint Officer.

§ _____. Local office.

During the term of this franchise and any renewal thereof, the company shall maintain a local business office or agent for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment malfunctions and similar matters. The local business office shall be located within 10 miles of the municipal boundaries of the borough. Such local business office shall be open during normal business hours and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday. Telephone response for such purposes as mentioned herein will be provided by the company's representative or agent 24 hours per day. The telephone number and address of the local office shall be listed in applicable telephone directories and in correspondence from the company to the customer. The telephone number for the local office shall utilize an exchange which is a non-toll call for borough residents.

§ _____. Performance bonds.

During the life of the franchise, the company shall give to the municipality a bond in the amount of \$25,000. Such bond shall be to ensure the faithful performance of all undertakings of the company as represented in its application for municipal consent incorporated herein.

§ _____. Subscriber rates.

The rates of the company shall be subject to regulation as permitted by federal and state law.

§ _____. Public, educational and governmental access.

The cable operator shall provide access time to individuals and noncommercial public, governmental and educational entities on a nondiscriminatory basis on a community access channel to be shared by other municipalities served by the system. Such channel shall be activated upon completion and activation of the system-wide upgrade.

§ _____. Commitments by the company.

A. The company shall provide free standard installation and expanded basic service monthly on up to 10 outlets in each school in the borough and shall provide free standard installation and expanded basic service monthly on one outlet to each police, fire, first aid, emergency management facility and public library in the borough at no charge. Each additional outlet installed, if any, shall be paid for by the institution requesting service on a materials plus labor basis. Monthly service charges shall be billed at the regular tariffed rates for additional outlets.

B. The company shall provide to the borough a one-time grant in the amount of \$18,000 for the purchase of technology equipment to be used by the borough for projects as the borough sees fit. Further, the company shall provide the borough with assistance in determining the appropriate equipment to purchase and shall provide reasonable training in the use of same. The grant shall be payable to the borough no later than _____.

C. Company representatives shall appear at least once annually, upon request of the borough, at a public meeting of the governing body, to discuss matters pertaining to the provision of cable service to residents of the borough and other related issues as the borough and company may see fit.

§ _____. Two-way services and interconnection.

In the event that the borough determines that it is necessary and feasible for it to contract with the company for the purpose of providing two-way or interconnection services, the company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All costs for such application to the BPU shall be borne by the borough.

§ _____. Emergency uses.

Upon activation of the State's Emergency Alert System, the company shall be required to have the capability to override, at the head end, a portion of the system in order to permit the cablecasting of emergency messages. The company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The municipality, along with the company, shall establish reasonable procedures for such emergency uses.

§ _____. Liability insurance.

The company agrees to maintain and keep in full force and effect, at its sole expense at all times during the term of this consent, sufficient liability insurance naming the municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of \$1,000,000 for bodily injury or death to one person and \$100,000 for property damage resulting from one accident.

§ _____. Incorporation of application.

All of the commitments and statements contained in the application and any amendment thereto submitted, in writing, to the municipality by the company, except as modified herein, are binding upon the company as terms and conditions of this consent. The application and any other relevant writings submitted by the company shall be annexed hereto and made a part hereof by reference as long as it does not conflict with state or federal law.

Introduced: June 21, 2007

Approved: June 21, 2007

Adopted: July 19, 2007


LUCILLE A. CHAUMP, MAYOR

ORDINANCE NO. 827

ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF OCEANPORT, NEW JERSEY OF PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2007 (SHORE REGIONAL SCHOOL DISTRICT PROJECT), OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

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

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Borough of Oceanport, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2007 (Shore Regional School District Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled, "Capital Equipment Lease Revenue Bond Resolution (Shore Regional School District Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Board of Education of the Shore Regional School District (the "Board") pursuant to a lease and agreement to be entered into by the Authority and the Board (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board's equipment which will be subject to the Lease and to pay the Board's share of the costs of issuance, but in no event shall such principal amount exceed \$430,000, of which the Municipality will guarantee 25.10% or not to exceed \$107,930.

(2) The Bonds shall mature within eleven years of the date of issue.

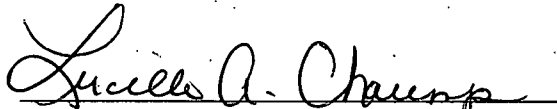
(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond Law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond Law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

Introduced: June 21, 2007
Approved: June 21, 2007
Adopted: July 19, 2007
Readopted: August 27, 2007
due to notice requirements


LUCILLE A. CHAUMP, MAYOR

BOROUGH OF OCEANPORT
Ordinance No. 828

AN ORDINANCE DELETING AND REPLACING
§34-4.1 ANIMAL FECES

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that the Section of the Borough of Oceanport's Ordinances captioned §34-4.1, Animal Feces, Removal of Feces is hereby deleted *in toto* and hereby replaced with the following:

§34-4.1, Pet Solid Waste

A. Purpose. This article is to establish requirements for the proper disposal of pet solid waste in the Borough of Oceanport so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

B. Definitions. For the purpose of these Ordinances, the following terms, phrases, words and their derivations shall have the meaning 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.

IMMEDIATE – That the pet solid waste is removed at once, without delay.

OWNER/KEEPER – Any person who shall possess, maintain, house or harbor any pet or otherwise have any custody of any pets, whether or not the owner of such pet.

PERSON – Any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

PET – A domesticated animal, (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE – Waste matter expelled from the bowels of the pet; excrement.

PLAYGROUND – The area within a public park or school ground that is cordoned off or open, on which play equipment such as swings, a jungle gym or other children's recreational activity equipment are located.

PROPER DISPOSAL – Placement in designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by some municipality or some other refuse collector; or disposal into a system designated to convey domestic sewerage for proper treatment and disposal.

C. Disposal Required. All pet owners and keepers are required to immediately and properly dispose of their pets' solid waste deposited on any property, public or private, not owned or possessed by that person.

D. No person owning or having the care, custody or control of any dog shall permit such dog to soil or defile or commit any nuisance on any sidewalks, street or thoroughfare, in or upon the property or persons other than the owner or person having the care, custody or control of such pet. The upsetting of a garbage can, chasing of vehicles, damaging lawns, shrubbery, flowers, grounds, trees or any property of persons and the attacking of, snapping at or biting of a person or other animal by a pet shall be deemed to be a nuisance. Such persons owning or having the care, custody or control of a pet, which pet has caused its pet solid waste to be deposited upon Borough property or upon the property of another, shall immediately remove such pet solid waste or cause it to be removed or shall dispose of it in a proper disposal manner. No person shall walk or otherwise have in his or her custody or control any pet upon any public property, including streets, sidewalks, public parks, waterfront areas and alleys, unless the person has in his or her possession, and in plain view, readily usable materials or implements sufficient to remove and to dispose lawfully of any pet solid waste that may be deposited on the ground by the pet.

E. Distribution of Information. Information on this article and the benefits of proper disposal of pet solid waste shall be distributed with the pet licenses.

F. Exemptions. Any owner or keeper who requires the use of a disability assistant animal shall be exempt from the provisions of this article while such animal is being used for that purpose.

G. Enforcement. The provisions of this article shall be enforced by the Oceanport Police Department, the Board of Health of the Borough of Oceanport and the Code Enforcement Officer.

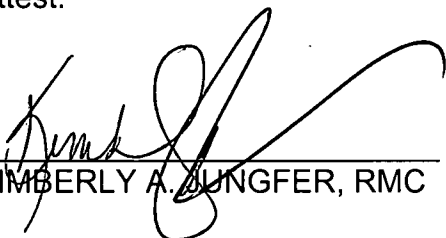
H. Violation of Penalties. Any person who is found to be in violation of the provisions of this article shall be subject to a fine under the general penalty provisions of this code.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its enactment.

Introduced: July 19, 2007
Passed: July 19, 2007
Adopted: August 16, 2007

I hereby approve the adoption of this Ordinance this ^{16th} day of ^{August}, 2007.

Attest:


KIMBERLY A. JUNGFER, RMC


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

Crossing Guards \$6,500. - \$11,000.

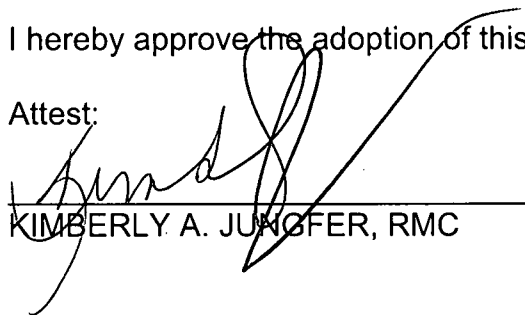
SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

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

Introduced: August 16, 2007
Passed: August 16, 2007
Adopted: September 20, 2007

I hereby approve the adoption of this Ordinance this 20th day of September, 2007.

Attest:


KIMBERLY A. JUNGFER, RMC


LUCILLE A. CHAUMP, MAYOR

ORDINANCE #830 AMENDING AN ORDINANCE ENTITLED FEES

ZONING BOOK FEES

The cost for a copy of the Borough Zoning Book shall be \$20.00

TAX MAP REVISION FEES

When application for development requires revisions to the Borough's Tax Maps, which may include costs in regard to reviewing deeds and/or filed maps and revising said tax maps accordingly, a fee will be required for each type of subdivision (see below fee schedule). This fee also includes costs incurred by the Borough's Assessor's office in establishing additional line items and revisions to the Mod 4 database or nay database similarly used by the Assessor. These fees will also pertain to any lot consolidation performed by a re-subdivision, site plan and condominium plan submitted for approval.

The follow fees will be paid prior to or as a condition of final approval or issuance of a development permit.

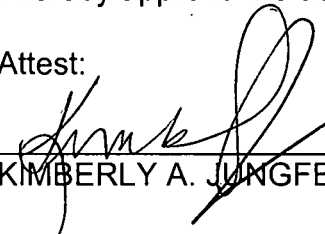
<u>Number of Lots or Units</u>	<u>Tax Map Revision Fee</u>
Lot Consolidation	\$250.00
Less than 20	\$85.00 per lot/unit (\$250.00 minimum)
20 but less than 100	\$1,650.00 plus \$65.00 lot/unit in excess of 20
100 but less than 200 100	\$6,800.00 plus \$50.00 per lot/unit in excess of 100
200 or more	\$12,000.00 plus \$40.00 per lot/unit in excess of 200.

Were an applicant sells or leases property necessitation subsequent revisions to the Borough's Tax Maps, the applicant or present owner (if different from the applicant) shall be responsible for additional tax map revisions. Subsequent fees shall be the same as above and paid prior to the issuance of a certificate of occupancy.

Introduced: August 16, 2007
Passed: August 16, 2007
Adopted: September 20, 2007

I hereby approve the adoption of this Ordinance this 20th day of September, 2007.

Attest:


KIMBERLY A. JUNGFER, RMC


LUCILLE A. CHAUMP, MAYOR

**# 831 AN ORDINANCE CREATING A PROPERTY MAINTENANCE CODE
FOR THE BOROUGH OF OCEANPORT
AND PROVIDING FOR ITS ENFORCEMENT**

SECTION 1.

1. Title.

This ordinance and its subordinate sections shall be known as the "Property Maintenance Code of the Borough of Oceanport".

2. Purpose.

The purpose of this ordinance is to protect the Borough of Oceanport and its residents from the increasing burden of costs incurred by the borough in maintaining neglected and/or abandoned property which has become dangerous to the citizens of the Borough of Oceanport as a whole and detrimental to the life, health, property and safety thereof.

3. Scope and application.

The provisions of this ordinance are remedial and shall apply to the condition of all land and materials thereon, whether man-made or natural, and premises and the use, occupancy, structural condition, removal and demolition of all structures and appurtenances connected or attached thereto, irrespective of their date of construction, alteration, repair or installation.

4. Enforcement after notice.

- A. Except for emergency circumstances, this ordinance shall be enforced only after violations have first been brought to the attention of the premises owner (as defined herein) by the issuance of a violation notice and a reasonable time and full opportunity for voluntary compliance has been afforded to the owner as enumerated in 14.
- B. After notice of violation and a reasonable opportunity for compliance, the borough may proceed to enforce this and other Code sections in Municipal Court and the Superior Court to recoup all costs incurred by the borough in seeking compliance or abating the violation, including attorneys' fees and costs.

5. Definitions.

The following terms, wherever used herein or referred to in this ordinance, shall have the respective meanings assigned to them hereinafter, unless a different meaning clearly appears from the context:

ABANDONED VEHICLE—Any vehicle, including a trailer, which is without a currently valid license plate and is in either a rusted, wrecked, discarded, dismantled, partially dismantled, inoperative or an abandoned condition.

BLIGHTING—To allow or cause deterioration of structures and/or premises, including unsightly conditions, which affect the health, safety and welfare of the community, including any diminution in property values of the surrounding area.

CODE—The revised Municipal Ordinances of the Borough of Oceanport and those documents, statutes, regulations and rules adopted by reference therein.

COMMERCIAL PREMISES—A building or buildings, or any part thereof, and the lot or tract of land upon which the building or buildings are situated, where commercial activity of any kind takes place. Commercial activity shall include but is not limited to gasoline service stations; stores for retail sales; liquor stores, taverns and inns; restaurants; professional activities, including but not limited to medical, dental, legal, architectural and accounting; personal services, including but not limited to real estate, insurance, barbershops and hairdressers; repair shops of all kinds; and amusements, including but not limited to movies, skating rinks and bowling alleys; whether part of a shopping area or not. Commercial activity shall not include sale of agricultural products produced on the premises.

DETERIORATION—The condition of a building or structure or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, missing members, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

DWELLING UNIT—A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXPOSED TO PUBLIC VIEW—Any premises or land or any part thereof of any building or structure or any part thereof, which may be lawfully viewed by the public, or any member thereof.

EXTERIOR OF THE PREMISES—Open space on the premises outside of any building located thereon.

GARBAGE—Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and/or consumption of food. (See also "refuse" and "rubbish.")

HABITABLE ROOMS—Rooms used or designed for use by one or more persons for living or sleeping or cooking and eating, but not including bathrooms, water closet compartments, home laundries, serving and storage pantries, corridors, foyers, vestibules, cellars, heater rooms, boiler rooms or utility rooms. Other rooms or spaces that are not used frequently or for an extended period of time or have less than 50 square feet of interior floor area shall not be considered as habitable rooms.

HARBORAGE—Any condition, man-made or natural, which may afford a breeding place or hiding place for rodents, insects or other pests.

INFESTATION—The presence of insects, rodents, vermin or other pests on the premises which constitutes a health hazard either to the occupants of the premises and/or to surrounding properties and/or residents.

MULTIPLE DWELLING—Any building or structure and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied or intended to be occupied, or as defined in the Hotel and Multiple Dwelling Act, N.J.A.C. 5:10, as amended.

OCCUPANT—Any person having actual possession of the premises or any part thereof.

OPERATOR—Any person who has charge, care or control of a dwelling or premises or any part thereof, whether with or without the knowledge and consent of the owner.

OWNER—Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or who shall have charge, care or control of any dwelling unit as owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or assigning any part of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

PARTIES IN INTEREST—All individuals, associations or corporations who have interest of record in a building, structure or property and any who are in actual possession thereof.

PERSON—Includes all manner of corporations and commercial entities as well as individuals.

PEST CONTROL—The control and elimination of insects, rodents, vermin, vegetation and fungus.

PREMISES—A lot, plot or parcel of land, including the buildings or structures thereof.

PUBLIC AUTHORITY/ENFORCEMENT OFFICER—Any officer who is in the employ of any department or branch of the government of the Borough of Oceanport, County of Monmouth or State of New Jersey, relating to health, police/public safety activities, fire, property maintenance, code enforcement, building regulations or to other activities concerning buildings and land in the municipality.

PUBLIC OFFICER—The officer designated to serve as the public officer hereunder. All inspections, regulations, enforcement and hearings on violations of the provisions of the following Code sections, unless expressly stated to the contrary, shall be under his/her direction and supervision. He/she may appoint or designate such other local public officers or employees to perform duties as may be necessary to the enforcement of this Code, including but not limited to the making of inspections and the holding of hearings. These appointments must be approved by the Mayor and Council of the Borough of Oceanport.

REFUSE—Any putrescible and nonputrescible solid waste (except bodily waste), including but not limited to garbage, rubbish, ashes, street cleanings, offal, abandoned automobiles and solid market and industrial wastes. (See also "garbage" and "rubbish.")

RUBBISH—Nonputrescible solid waste consisting of both combustibles and wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. (See also "garbage" and "refuse.")

SHOPPING CENTER—One or more buildings or parts thereof designed or existing as a unit, occupied or to be occupied by one or more businesses for the conduct of retail sales with parking space.

6. Nuisances.

- A. Any public nuisance recognized in common law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Borough of Oceanport.
- B. Any attractive nuisance, which may prove detrimental to the health or safety of children, whether in a building on the exterior of premises or upon an unoccupied lot. Attractive nuisances include but are not limited to abandoned swimming pools, abandoned ice boxes and/or refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or holes and/or excavations or vegetation, such as poison ivy, oak or sumac, which may prove hazardous for inquisitive minors.
- C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- D. Overcrowding of a room with occupants in violation of the State Fire Code and/or N.J.A.C. 5:10, the Hotel and Multiple Dwelling Act, as amended, and/or Article II, Adoption of BOCA Standards, of this Chapter of the Code of the Borough of Oceanport.
- E. Inadequate or unsanitary sewerage or plumbing facilities in violation of the Uniform Constitution Code, N.J.A.C. 5:23-1 et seq., as amended, and this Code and any laws, regulations and rules adopted thereby.
- F. Unsanitary conditions or anything offensive to the senses or dangerous to health in violation of this Code.
- G. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- H. Fire hazards/dangerous conditions or any dangerous or hazardous conditions that are outlined as follows:
 - (1) Dangerous conditions that are liable to cause or contribute to the spread of fire in or on said premises, building or structure or endanger the occupants thereof.
 - (2) Conditions that would interfere with the efficiency and use of any fire-protection equipment.
 - (3) Obstruction to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the egress of occupants or the operation of the Fire Department in case of fire.
 - (4) Accumulations of dust or waste material in air-conditioning or ventilating systems or grease in kitchen or other exhaust ducts.
 - (5) Accumulations of grease on kitchen cooking equipment or oil, grease or dirt upon, under or around any mechanical equipment.
 - (6) Accumulations of rubbish, waste, paper, boxes, shavings or other combustible materials or excessive storage of any combustible material.
 - (7) Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.

- (8) Hazardous conditions arising from defective or improperly installed equipment for handling or use of combustible, explosive or otherwise hazardous materials.
- I. Insufficient ventilation or illumination in violation of this Code.

7. Maintenance of exterior premises.

The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners. Such maintenance shall include the following:

- A. In a residential zone, there shall not be stored or used at a location visible from the sidewalk, street or other public areas equipment and materials and/or vehicles relating to commercial or industrial uses unless permitted under borough Zoning.
- B. Premises with landscaping and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.
- C. Reconstructed walls and sidings of nonresidential structures shall be of standard quality and appearance commensurate with the character of the properties in the same block and on both sides of the street on which the premises front such that the materials used will not be a kind that, by their appearance under prevailing appraisal practices and standards, would depreciate the values of the neighboring and adjoining premises as aforesaid.
- D. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair. They shall be maintained free of broken glass, loose shingles, crumbling stone or block, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and properties protected from blighting influences. Sidewalks and driving and/or parking areas shall be maintained in good repair.
- E. Exceptions to prohibitions.
 - (1) No structure, equipment or materials such as construction material rock, gravel or materials of any kind may be placed or stored upon any street, developed or "paper", public right of way or public road in the borough at any time or for any purpose, unless expressly permitted by law or ordinance and placed in such manner as not to impede or divert the natural flow of drainage waters upon or along any street or public road and the gutters or drainage ditches thereof.
 - (2) The obstruction of any gutter or drainage ditch or any portion thereof serving the street or public road, by filling, otherwise depositing stones, dirt, debris or other materials or things therein or by any other means shall be unlawful, but this shall not apply to such materials as may be carried or deposited therein by natural drainage of surface waters or by other natural causes.
 - (3) The depositing of stones, dirt, debris or other materials or things on any "paper" street by any means shall be unlawful. This shall not apply to such

materials as may be carried or deposited therein by natural drainage of surface waters or by other natural causes.

8. Brush, grass and weeds.

A. Duties of owners and tenants.

(1) **Brush and hedges near roadways and intersections.** It shall be the duty of the owner, tenant or person in possession of any lands in the borough to keep all brush, hedges or other plant life growing within 10 feet of any roadway and within 25 feet of the intersection of two roadways cut to a height of not more than 3 feet where it shall be necessary and expedient for the preservation of public safety.

(2) **Brush, weeds, debris, etc., which are a fire hazard or injurious to public health or safety.** It shall be the duty of the owner, tenant or person in possession of any lands in the borough, where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove from such lands brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

(3) **Grass.** Notwithstanding anything to the contrary in Subsections (1) and (2), it shall be the duty of the owner, tenant or person in possession of any lands in the borough to keep all grass cut to a height of not more than 12 inches on any property in the borough.

B. Notice to owners or tenants.

After an investigation initiated by any complaint of a resident, officer or employee of the borough relative to a violation of this ordinance, or without receiving a complaint, the police department, or code enforcement, if the reported conditions are found to exist, a representative of the police department or code enforcement shall notify the owner, tenant or person in possession of the lands complained of, in writing, either personally or by registered mail, to remove such brush, hedges or other plant life, trees, stumps, roots, obnoxious growth, filth, garbage, trash or other debris within 10 days after receipt of the notice. The code enforcement officer shall reinspect the lands in question after the 10-day period expires and report, in writing, whether the condition complained of has been abated or remedied.

C. Removal by borough; costs established as a lien.

If the owner, tenant or person in possession of the lands in question shall fail to abate the condition complained of within ten days after receipt of notice, the borough shall cause the condition complained of to be abated and shall certify the cost to the council, who shall examine the certificate and, if it is correct, cause the cost as shown thereon to be charged against the lands. The amount so charged shall become a lien upon the lands and shall be added to and become a part of the taxes next to be assessed and levied upon the lands, shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this ordinance.

9. Leaves on streets.

No person, owner, occupant and/or tenant of a property in the Borough of Oceanport shall rake, blow, push and/or drag leaves from his property onto the public streets of the Borough of Oceanport, except as permitted by other ordinance or Borough collection policy.

10. Removal of branches and trees.

No owner, occupant and/or tenant of property in the Borough of Oceanport shall place, put or stack branches, trees or parts of trees in any paved right-of-way, except as prescribed by ordinance. Branches, trees and/or parts of trees may be placed immediately adjacent to the curb of the premises in question so as not to block the sidewalk extending not further than three feet from the curb.

11. Discharge of liquids.

No person shall discharge or cause to be discharged waters or other liquids or semi-liquids, directly or indirectly, in any manner whatsoever, into or upon any public street or road in the borough. Sump pump water may be discharged directly into the storm sewer, but not into the public streets or roads. The foregoing shall not, however, apply to natural drainage water or waters, liquids or semi-liquids used for the purposes of cleaning buildings or paved land surfaces that may flow or pass upon a public street or road.

12. Hazardous substances.

(a) As used in this subsection, the following terms shall have the meanings indicated:

COMPENSATION -- A calculation of reimbursement costs for items, plus any and all wages paid, plus an hourly rate for use of any and all equipment, plus any and all administrative costs.

EMISSION -- Spilling, leaking, flowing or running of substances into the environment, without regard to cause, and shall include causes that are man-made, natural, accidental, unavoidable or from any cause whatsoever.

ENVIRONMENT -- The air, ground and waters, in and adjoining, the Borough of Oceanport.

EXPENDABLE ITEMS -- Any items used to stop or contain any discharge involving any hazardous materials that cannot be used again or cannot be replenished without cost after that particular incident. These expendable items include, but are not limited to, fire-fighting foam, chemical extinguishing agents, absorbent and nonabsorbent materials, brooms, pads, pillows, rope, sand, recovery drums and any protective equipment and clothing, including but not restricted to chemical protective suits, chemical protective gloves, goggles and any other item owned or controlled by the Borough of Oceanport, its employees, agents, officers and/or officials.

HAZARDOUS MATERIAL -- Any material, solid, liquid or gas, listed as such under the National Fire Protection Association Guide of Hazardous Materials, the Department of Transportation Guide Book, the list of hazardous substances adopted by the Federal Environmental Protection Agency (EPA), pursuant to

Section 311 of the Federal Water Pollution Control Act Amendment of 1972, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.), and the list of toxic pollutants designated by the Congress of the EPA, pursuant to Section 307 of the Federal Water Pollution Control Act, and any hospital or medical waste, including but not limited to syringes, bandages and discarded pharmaceutical products or any substance on the New Jersey Hazardous Substance List.

(b) Unlawful acts.

1. It shall be unlawful for any person to permit or be responsible for the emission of any substance into the environment of the Borough of Oceanport.
2. It shall be unlawful for any person to fail to pay compensation to the Borough of Oceanport within 30 days following his receipt of a bill for compensation pursuant to this chapter.

(c) Compensation. Whenever the Borough of Oceanport through the offices of the Health Officer, Police Chief, Fire Chief(s), Fire Prevention Bureau, Office of Emergency Management, Mayor and/or Administrator identifies an emission into the environment of the Borough of Oceanport of any substance in such a manner so that, in the professional opinion of the above, immediate cleanup and/or mitigation is required, the above shall order, which order may be verbal, the responsible person to take immediate action to abate the emission. Should the responsible person not be available, or for whatever reason not take action as in the professional opinion of the above agents of the Borough of Oceanport, then the agent of the Borough of Oceanport may, at his discretion, engage Borough of Oceanport Personnel and/or supplies and/or equipment and/or expendable items and/or contract in the name of the Borough of Oceanport qualified private entities to take action to immediately abate and/or clean up and/or mitigate the emission. The responsible person should then be billed by the Borough of Oceanport for all costs incurred in this action in response to the emission.

(d) Compliance.

From and after the effective date of this chapter, any person, corporation, partnership or other legal entity shall be required to reimburse the Borough of Oceanport for any violation of the sections of this chapter.

(e) Applicability.

This chapter shall apply to any hazardous spill that is the result of any traffic accident arising in the Borough of Oceanport or any hazardous spill arising from the discharge of hazardous materials from any automobile or equipment on the streets of the Borough of Oceanport or any public property or the air or waters contiguous to the Borough of Oceanport from any source.

(f) Investigation.

In the event that the Oceanport Police Department or Fire Department or any Health Officer or Emergency management or Construction Code Official of the Borough of Oceanport is called out to abate a spill or shall be asked to investigate any traffic accident or is called upon to investigate any condition on the city streets or sees any of the conditions set forth in this chapter, the appropriate officer shall make an investigation of the scene to determine whether hazardous materials have been spilled onto the roadways of the Borough of Oceanport or other public

or private property or water in the city or the air or waters contiguous to the Borough of Oceanport.

(g) Violations and penalties.

1. After an investigation, the appropriate officer as set forth in the preceding section shall be authorized to issue a summons to the owner and/or operator of any such vehicle or agent or responsible person of any instrumentality which discharges hazardous substances onto the streets or other public or private property or air or water in the Borough of Oceanport. Said summons will be returnable in the Municipal Court of the Borough of Oceanport and, upon conviction of any offense, the offender, owner and/or driver of said vehicle or agent or responsible person of the instrumentality of such discharge shall be subject to the following penalties.
 2. For a conviction under this subsection, penalties shall be as follows:
 - (a) The Municipal Court shall impose a fine in an amount not to exceed \$1,200.
 - (b) The defendant shall be required, as an additional penalty of the Municipal Court, to repay to the Borough of Oceanport the cost of cleanup of the hazardous spill, which shall include the cost of the product necessary to be used on the roadway and/or streets of the Borough of Oceanport and for any cost of manpower and equipment used by the Public Works Department or Fire Department of the Borough of Oceanport or any agents, representatives, contractors or otherwise hired by the Borough of Oceanport to clean up said hazardous spill. The Borough of Oceanport is further authorized to apply to any appropriate judicial body, including the Superior Court of New Jersey, for reimbursement for the full cost of cleanup of the hazardous spill that is incurred by the Borough of Oceanport. Such funds shall be returned to the line item used to purchase the materials used.
 3. It shall be the responsibility of the Borough of Oceanport to present to the presiding Judge of the Municipal Court a list of the expenses incurred, limited to the cost of the product necessitated for the cleanup, any overtime as paid to any Boro employee and the cost of any equipment used by the Borough of Oceanport necessitated in said cleanup. The Borough of Oceanport is further authorized to present to the appropriate judicial body, including the Superior Court of New Jersey, whether by complaint or other application, a list of the expenses incurred, and take whatever steps necessary for application for reimbursement.
13. General maintenance and structural standards.
- A. Outside building walls shall not have any holes, loose boards or any broken or missing members or cracked or damaged finish which admits rain, cold air, dampness, rodents, insects and/or vermin.
 - B. Every building shall be so maintained as to be weather tight, watertight and vermin proof. All exposed surfaces thereof subject to deterioration shall be protected against weathering by a protective coating appropriate for the particular material involved, as needed.

- C. Basements, cellars and crawl spaces shall be free of moisture resulting from seepage, and cross ventilation shall be required where necessary to prevent accumulation of moisture and dampness, shall be paved with stone or concrete not less than four inches thick and shall be maintained at all times in a condition so as to be smooth, clean and free from cracks, breaks and/or other hazards. This subsection does not apply to single-family owner-occupied dwellings.
- D. All parts of the premises shall be maintained so as to prevent infestation.
- E. All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisance and free from health, safety and fire hazards.
- G. Every roof, roof gutter, flashing, rainwater conductor and roof cornice shall be weather tight, rain tight and vermin proof and shall be kept in good repair.

14. Multiple dwellings and structures.

- A. The owner or operator shall have the duty and responsibility of removing garbage whenever a janitor is required for the premises in accordance with the provisions of Subsection C.
- B. All accumulations of trash and debris shall be removed daily from collection areas and trash chutes if a trash compactor is not provided or if the existing trash compactor is out of order. In a dwelling containing four or more dwelling units, storage areas or storage bins of fireproof construction and containing fireproof walls and partitions of at least two hours' rating shall be provided, except when storage areas are outside and not adjoining the building.
- C. In every dwelling containing three or more dwelling units or rooming units, or combinations thereof, the owner shall provide or designate a superintendent, janitor, caretaker or housekeeper who shall at all times maintain the premises in compliance with this Code and keep the premises free from filthy garbage, refuse and rubbish and who shall be responsible for the daily collection of garbage and other refuse from the occupants on a regular schedule. Said person shall be regularly available on the premises to perform the foregoing duties in accordance with N.J.A.C. 5:10. In the event that said superintendent, janitor, caretaker or housekeeper fails to comply with the provisions of this Code, actions of the superintendent, janitor, caretaker or housekeeper or alternative individuals referred to in this Code, even in disobedience of instructions received from the owner or operator, shall not relieve the owner or operator from the duties and responsibilities imposed by this Code. It shall be the obligation of the owner or operator to register the name, address and telephone number of said owner and operator with the public officer in accordance with the applicable provisions of this Code.
- D. Exterior parking areas, pedestrian walkways or other portions of the premises subject to regular and recurrent use by occupants at night shall be illuminated continually from ½ hour before sunset to ½ hour after sunrise unless the lighting is connected to a dusk-to-dawn photoelectric control device to enable safe passage of persons of normal vision.
- E. All interior walls, ceilings and other exposed surfaces in units of dwelling space shall be kept smooth, clean, free of flaking, loose or peeling paint, plaster or paper and capable of being maintained free of visible foreign matter and vermin

and in a sanitary condition. If and where necessary to accomplish the foregoing or any part thereof, such interior surfaces shall be spackled, painted, papered or otherwise provided with a protective coating appropriate for the surface material and shall be done at least once every three years unless it is clearly unnecessary. Responsibility for the cost of said painting, papering, surface preparation or other protective coating shall be as set forth in the lease to the premises. Where the lease makes no provision for said cost, it shall be presumed to be the responsibility of the landlord. It shall also be the responsibility of the landlord when required to correct conditions under this ordinance other than normal wear and tear.

15. Notice of violations.

After inspection or the discovery of violations of this or any chapter of this Code, except as to emergency circumstances, the enforcement officer, upon first determining that a violation of this or any chapter of this Code exists, shall issue a written violation notice advising the owner of the property in violation of the following:

- A. Nature of the violation(s), stating applicable Code sections.
- B. A reasonable time, not to exceed 60 days in normal circumstances, and not to exceed 120 days in unusual circumstances, to achieve voluntary compliance.
- C. If this notice is not complied with, then the Borough of Oceanport shall issue a summons, to be heard in the Municipal Court of the Borough of Oceanport.
- D. A violation notice need not be issued when conditions constitute an emergency and present an eminent or immediate threat of danger to human life or limb, health, property or the public safety.
- E. Upon evidence of good faith efforts to commence compliance with such notice, the enforcement officer may, in his sole discretion, grant a reasonable extension of the time to complete compliance.

16. No second notice required.

Once a responsible party has been noticed of a particular violation of this ordinance, that party shall not be entitled to any further notice of violation prior to the issuance of any summons, regardless of the passage of time between the first and subsequent notice(s).

17. Prosecution.

In case any notice provided in Section 14 is not complied with, the enforcement officer may institute an action in a court of competent jurisdiction to:

- A. Restrain, correct or remove the violation.
- B. Prevent the trespass, occupation or use of the structure in violation of or not in compliance with the provisions of this ordinance.
- C. Order the payment of the civil penalty authorized by this ordinance.
- D. Order such other relief as shall be just or equitable to secure and protect the general public from conditions on premises found to be dangerous or detrimental to human life, limb, health, property or safety.

- E. Certain costs, including attorneys' fees, may be charged to the owner, including the record owner, as well as any other person prosecuted under this section. Such costs, fees or penalties may be charged to the property and constitute a lien as provided in Section 21.
- F. The notice provided to institute the appropriate action in a court of competent jurisdiction shall be via the same means as required by Section 14.

18. Notice to vacate, repair or remove.

The enforcement officer shall issue a written notice to vacate and to repair or remove whenever:

- A. An emergency circumstance that exists and presents an eminent or immediate threat of danger to human life or limb, health, property or the public safety.
- B. Voluntary compliance with the violation notice is not achieved within the time indicated and a municipal court adjudication has not resulted in abatement of the violation.
- C. Hearing.
 - (1) Within 10 days of the issuance of this notice, a hearing shall be held before the public officer as defined in this ordinance, at which time there will be an administrative determination of the violation in this matter. The hearing shall follow these procedures: the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the time and place fixed in the complaints; and the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. Upon the termination of this hearing, the public officer shall make an immediate finding as to whether or not the violation charged has been substantiated and proven. If the violation has been proven by a preponderance of the evidence, then the public officer shall give the property owner an amount of time to cure the violation no greater than 60 days from the date of the hearing.
 - (2) A finding of guilt in the Municipal Court or any court of competent jurisdiction shall create a presumption that a violation exists, and the burden shall then be on the property owner to rebut the presumption by clear and convincing evidence that the violation has been abated.
- D. The owner shall comply with the terms of the order issued by the public officer at the public hearing. Failure by the owner to comply with the terms of the order within the time frame enumerated in the order shall allow the borough to take action pursuant to the terms of the order under Section 14.

19. Service of notice.

Whenever the enforcement officer shall issue a violation notice or notice to vacate and repair or remove, he shall give such notice to the owner of record or agent as defined in this ordinance of the Code and to the person in control of the premises if the same may be located with reasonable effort, by return receipt registered or certified mail or by personal service issued through an officer of the Borough of Oceanport or through other legally accepted means. Service on nonresidents or persons who cannot be

found in the Borough of Oceanport shall be made by sending a copy of such notice to the owner of record by registered or certified mail to such owner's last known address.

20. Abatement of violation.

- A. In the event that the owner of record fails to comply with a notice to vacate, repair or remove within the time period enumerated in the order given by the public officer, or in the event that there exists an emergency circumstance which presents an eminent or immediate threat of danger to human life or limb, health, property or public safety, the enforcement officer may enter the premises concerned and cause the same to be repaired or removed and any dangerous conditions to be remedied, as the case may be, and any violation to be abated at the expense of the owner of record as defined by this ordinance.
- B. The enforcement officer shall certify as to the steps that were taken to abate the nuisance, violation or eminent and immediate threat and the costs incurred thereby.

21. Municipal resolution.

- A. The Borough of Oceanport by resolution may instruct any department or agency thereof to clean property or abate violations, nuisances or emergency circumstances which present eminent or immediate threat of danger to human life or limb, health, property or public safety, as defined under this ordinance of the Code, or hire an independent contractor to do the same as such situations arise.
- B. The municipality may enact a resolution, which will contain a list of contractors available for such work. Such resolution may be enacted on an annual basis, and the same shall be sufficient for the incurrence of such costs, which are less than the legal amount, which would require public bidding.

22. Costs.

- A. Costs of cleanup, remediation, abatement or correction of other violations as defined in this or any chapter of the Code, including but not limited to relocation fees, shall be certified to the Tax Collector, to be enforced on a parity as and with the lien for unpaid real estate taxes. Said expenses shall thereby constitute a lien on the premises and shall be entered on the tax records kept by the Tax Collector and shall be collectible as are overdue taxes pursuant to this Code.
- B. The municipality may bring an action in the Superior Court to recoup any and all costs and fees not made a part of a tax lien, including attorneys' fees incurred in the abatement process and in the effort to recoup costs.

23. Fee schedule for recovery of costs and enforcement.

- A. Fees shall be as follows:

(1) Cutting and/or clearing and removal of grass, weeds, overgrowth and brush:
Growth Height

Property Size	Up to 12 Inches	Over 12 Inches
Up to 2,500 square feet	\$75	\$100
2,501 to 5,000 square feet	\$100	\$150

Over 5,000 square feet

\$200

\$225

- (2) Cutting and/or trimming and removal of trees:
 - (a) Hourly labor rate: \$40.
 - (b) Disposal fee: 20% over cost.
- (3) Clearing and/or removal of debris at an hourly rate of \$40.
- (4) Extermination services:
 - Services to be provided by borough contractor at current contract rate.
- (5) Boarding and/or securing of buildings and/or structures:
 - (a) Hourly labor rate: \$40.
 - (b) Twenty percent over cost of materials.
- (6) Demolition services:
 - Competitive bid/quote as required by the Purchasing Agent.
- (7) Relocation of tenants/residents:
 - Actual costs per occurrence.
- (8) Repair of excavations of dangerous conditions of property:
 - (a) Hourly rate:
 - [1] Backhoe/loader: \$85.
 - [2] Rubber tire loader: \$100.
 - [3] Dump truck, five to 10 yards: \$40.
 - [4] Tandem dump truck: \$55.
 - [5] Pickup truck: \$25.
 - (b) Zone 3 select, clean fill: \$140 per ton delivered.
 - (c) Laborer: \$16 per hour.
- (9) Towing/vehicle removal:
 - Police Department SOP will be used to remove abandoned/unregistered vehicles.
- (10) Licensed plumber and electrician, hourly labor rate:
 - (a) Regular and overtime rates as set by the New Jersey Department of Labor and Workforce Development in its Prevailing Wage Rate Determination chart in effect at the time the work is performed.
 - (b) Cost of materials, plus twenty (20) percent.

B. All of the fees set forth above shall be first certified to the Clerk of the Borough of Oceanport and the Chief Financial Officer of the Borough of Oceanport then shall be added as liens against the property through the Office of the Tax Collector. In addition, any and all filing fees incurred by the Office of the Tax Collector shall be includable as additional liens.

24. Emergencies.

- A. Whenever the public officer finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order requiring that such action be taken as he determines necessary, applying the statutes and provisions of this ordinance to meet the emergency, and such order shall be effective immediately, and any person to whom such order is directed shall be obliged to comply immediately. Any such person may petition to the public officer for a hearing on such order, which hearing shall be conducted not later than five days after receipt of this petition.

B. In the event that the public officer orders immediate action by the Borough of Oceanport's Department of Public Works, or such independent contractor as may be hired by the Borough, to protect the public health or safety pursuant to Subsection A above, the following costs and fees shall be charged to the affected property owner or owners for such emergency work, and which costs and fees shall be a lien against the subject property and collectible as provided in Section 21 of this ordinance:

- (1) During regular work hours, after working hours, and on holidays and Sundays: At an amount to be calculated at each employee's hourly rate for the time worked (i.e., regular work hours, after work hours, or holidays and Sundays, as applicable to the time the work was performed). These rates shall be determined by dividing the employee's annual salary by the number of hours worked per week, and then dividing by 52 weeks. The annual salary shall be as fixed by union contract or Borough ordinance, as applicable.
- (2) Materials and equipment used to be charged based upon costs incurred by the borough.

25. Conflict with other provisions.

In any case where the provisions of this ordinance impose a higher standard than set forth in any other ordinance of the Borough of Oceanport or other laws within the State of New Jersey, then the standards set forth herein shall prevail; but if the provisions of this ordinance impose a lower standard than any other ordinance of the Borough of Oceanport or other laws within the State of New Jersey, then the higher standard contained in any such other ordinance or laws shall prevail.

26. Adoption of standards by reference.

- A. In accordance with the provisions of N.J.S.A. 40:49-5.1, the BOCA National Property Maintenance Code, 1996 Edition, excluding Section PM-111.0 et seq., Means of appeal, and any supplements thereto, is hereby adopted as a standard governing supplied utilities and facilities and other physical things and conditions essential to make buildings and dwellings, both residential and nonresidential, safe, sanitary and fit for human habitation, occupancy or use and governing the conditions of buildings and dwellings, both residential and nonresidential.
- B. This ordinance shall not apply to newly constructed buildings which have been constructed in accordance with the Uniform Commercial Code, N.J.A.C. 5:23-1 et seq., as amended.

27. Copies on file.

A copy of the BOCA National Property Maintenance Code, 1996 Edition has been placed on file in the office of the Clerk and will remain on file there for the use and examination of the public.

28. Modifications.

The BOCA Property Maintenance Code, 1996 Edition, is amended and revised in the following respects:

- A. In Section PM-101.1, insert "Borough of Oceanport."
- B. In Section PM-106.2, insert "\$50" and "\$1,250."
- C. In Section PM-106.2, insert "180 days."
- D. In Section PM-304.15, insert "May 1" and "October 1."
- E. In Section PM-602.2.1, insert "October 1" and "May 1."
- F. In Section PM-602.3, insert "October 1" and "May 1."
- G. Section PM-111.0, Means of appeal, is repealed.

29. Enforcing authority.

The administrative and enforcing authority for the provisions of this chapter shall be the Zoning Officer, Code Enforcement Officer, Fire Official, Health Officer and/or an Officer with the Police Department of the Borough of Oceanport.

30. Inspections.

The Code Enforcement Officer, Zoning Officer, Housing Inspector, Fire Official, and the Department of Health or their agents or employees shall make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the borough. For the purpose of making inspections, the aforementioned officials, agents or employees are authorized to enter and examine any dwelling, dwelling unit, rooming unit or premises at such reasonable hours as the circumstances of the case permit. This section shall not be construed to prohibit the entry of the aforementioned officials, agents or employees at any time when an actual emergency exists which tends to create a danger to the public health or safety or at any time when an inspection is requested by an owner or occupant.

31. Identification.

Upon presentation of proper identification, the Code Enforcement Officer, Housing Inspector, Fire Official and the Department of Health or their agents or employees shall be given free access to the premises by the owner, occupant or person in charge of a dwelling, dwelling unit or rooming unit for the purpose of inspection or of making any repairs or alterations which are necessary to effect compliance with this chapter.

32. Search warrant.

The Code Enforcement Officer, Housing Inspector, Fire Official and the Department of Health or their agents or employees may, upon affidavit, apply to the Judge of the Municipal Court of the borough for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter exists on the premises, or that an inspection is to be made pursuant to Section 27, and if the Municipal Judge is satisfied as to the matter set forth in the affidavit, he shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation may exist.

33. Violations and notice of abatement.

Whenever the Code Enforcement Officer, Housing Inspector, Fire Official and the Department of Health or their agents or employees determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto or under the BOCA National Property Maintenance Code, 1996 Edition, he or she may issue a summons returnable in the Oceanport Municipal Court for said violation or violations. In addition thereto, or as an alternative method of remedy, he or she may give notice of abatement of the alleged violation to the person or persons responsible therefore as hereinafter provided. The notice shall:

- A. Be put in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time for the performance of any act it requires; and
- D. Be served upon the owner or his agent, or the occupant, as the case may require, provided that notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state. The notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

34. Serving of complaints or orders on unfit dwellings.

Complaints or orders issued by the Code Enforcement Officer, Housing Inspector, Fire Official, Health Officer and/or the Police pursuant to this chapter shall be served upon persons either personally or by certified mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Officer in the exercise of reasonable diligence, and the Officer shall make an affidavit to that effect, then the serving of the complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper having circulation in the borough. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the Monmouth County recording officer.

35. Powers and duties of Enforcement Officer.

The Code Enforcement Officer, Housing Inspector, Fire Official, Health Officer and/or the Police are hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following, in addition to others herein granted:

- A. To investigate the dwelling conditions in the borough in order to determine which dwellings therein are unfit for human habitation.
- B. To administer oaths, affirmations, examine witnesses and receive evidence.

- C. To enter upon premises for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- D. To appoint and fix the duties of such officers, agents and employees, as he deems necessary to carry out the purpose of this chapter.
- E. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

36. Compliance with BOCA National Property Maintenance Code, 1996 Edition.

No person shall occupy as owner or occupant or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the BOCA National Property Maintenance Code, 1996 Edition established hereby as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

37. Repairs in absence of owner.

Whenever a condition is found by officials of the Borough of Oceanport empowered to enforce this chapter to exist in an occupied dwelling that adversely affects and/or threatens the life, safety and/or health of the inhabitants, and following reasonable effort to contact the owner and/or other responsible party at the address and/or phone number listed and posted at the property for emergency response and/or on the most recent application for certificate of occupancy, the officials of the Borough of Oceanport may contract with approved vendors to perform emergency repairs to mitigate the condition. Such conditions might include, but not necessarily be limited to: inadequate heat, failure of the water supply system, inoperative waste water disposal system, failure of the fire alarm system, failure of the fire suppression system, failure of the means of emergency egress, failure of the electrical supply systems, failure of the exterior building finish to protect from the elements, presence of vermin or presence of wild animals. Reasonable effort to contact the owner shall be determined by the officials at the scene using their judgment as guided by their experience in light of the nature of the event.

A. Approved vendors.

- (1) Approved vendors shall consist of individuals and/or business entities that have been approved annually by the Borough of Oceanport Finance Department to provide such services. The list of approved vendors shall include, but not necessarily be limited to:
 - (a) Plumber.
 - (b) Electrician.
 - (c) Boiler repair company.
 - (d) Carpenter.
 - (e) Exterminator/live animal remover.
 - (f) Alarm service.
 - (g) General contractor.
- (2) The list shall be generated in a manner that is consistent with routine municipal bid practices and provides the Borough of Oceanport with assurance of availability and responsible performance in areas of expertise.

The list, whenever updated, shall be provided to all borough officials powered to enforce this chapter.

- B. Any expense incurred by the Borough of Oceanport in investigating any condition as noted above shall be cause for action in Municipal Court to gain restitution. Restitution shall consist of payment for repairs and/or services noted above and payment for any overtime after-hours wages paid borough officials in the investigation of such conditions or monitoring such repairs, as well as an administrative penalty equal to the above for the inconvenience caused to the occupants and the borough officials due to the absence and/or lack of availability of the owner or other responsible party. The aforementioned penalties are to be considered in addition to any other penalty provided in this chapter for violations of the code.
- C. It is the intention of this section to encourage property owners to at all times be responsible for the maintenance of their properties, to have property owners establish and maintain systems for notification in times of emergency occurrences and, finally, to provide the Borough of Oceanport with a method to make necessary emergency repairs to protect health, life and safety in a manner that limits the use of relocation efforts and assures the borough of restitution for any efforts put forth by the borough on behalf of absent property owners.

38. Violations and penalties.

Unless a different penalty is mandated by state law or regulations duly adopted there under, any violation of this chapter shall result in penalties as follows:

- A. Any person, firm or corporation found guilty in the Municipal Court of the Borough of Oceanport of a violation of the terms of this chapter shall be punishable as provided within the Ordinances of the Borough of Oceanport.
- B. Except as otherwise provided, each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation. In addition, each violation of this chapter shall be considered a separate offense upon each and every day in which a violation exists.

39. Municipal lien.

- A. Pursuant to N.J.S.A. 40:18-2 et seq., any costs incurred by the borough or any department or subagency thereof in the abatement of violations of this chapter of the Code of the Borough of Oceanport or in the maintenance of properties pursuant to such ordinances, including but not limited to property maintenance, property cleaning, yard upkeep, beautification, improvements to property and any other expenses incurred in maintaining structural integrity or safety, abatement of a public hazard or nuisance or the improvement of the general appearance of any such property shall become a lien on that property as of the time that such cost is incurred. Such lien shall include any costs incurred directly by the borough or its subagencies or through any contractor or subcontractor or independent private entity, which the borough may employ to take such action on its behalf.

- B. Such liens shall become a first lien on the land and paramount to all prior and subsequent alienation and descents of such lands or encumbrances thereon except subsequent municipal liens pursuant to N.J.S.A. 54:5-9 and other applicable law.
- C. Any such lien created specifically from or last associated with removing brush, weeds, debris, etc., shall be a lien on such land and shall be added to and form a part of the taxes next to be assessed and levied upon such lands pursuant to N.J.S.A. 40:48-2.14.

SECTION 2. REPEALER.

To the extent there are any preexisting ordinances which conflict with the terms herein, the terms of this ordinance shall apply and supercede any preexisting ordinance which does not conform with the terms herein; the only exception being that the provisions in Section 1-22 shall apply. The Borough's prior property maintenance ordinance is specifically hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect 60 days following the date of publication of the adoption of this ordinance.

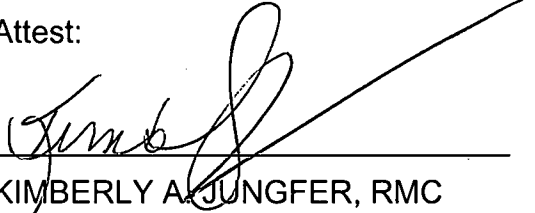
Introduced:

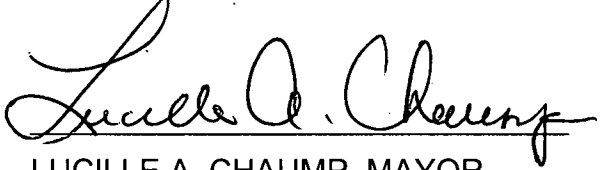
Passed:

Adopted: 10-18-2007

I hereby approve the adoption of this Ordinance this 18th day of October, 2007.

Attest:


KIMBERLY A. JUNGFER, RMC


LUCILLE A. CHAUMP, MAYOR

ORDINANCE NO. 832

BOND ORDINANCE AMENDING BOND ORDINANCE No. 823 ADOPTED MAY 24, 2007 ENTITLED: "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", TO INCREASE THE APPROPRIATION TO \$1,122,100, AND TO MAKE SUCH OTHER CONFORMING CHANGES AS NECESSARY

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. Bond Ordinance No. 823 Entitled: "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", is hereby amended to increase the appropriation set forth therein to \$1,122,100, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$56,600 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. Section 3 of Bond Ordinance No. 823 is hereby amended to read as follows:

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.	\$167,100	\$15,100	\$-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 therefore.	\$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	\$1,122,100	\$56,600	\$225,000	\$840,500	

SECTION 3. 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 4. 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 5. 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 6. This amending bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Introduced: November 29, 2007

Passed: November 29, 2007

Adopted: December 20, 2007

I hereby approve the adoption of this Ordinance this 20th day of December 2007.

Attest:

KIMBERLY A. JUNGFER, RMC

LUCILLE A. CHAUMP, MAYOR

Ordinance # 833

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 41A OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "LAND USE PROCEDURES" TO INCLUDE A NEW SECTION ENTITLED "STORMWATER CONTROL."

BE IT ORDAINED by the Municipal Counsel of the Borough of Oceanport, the County of Monmouth, State of New Jersey that Chapter 41A of the Code of the Borough of Oceanport, entitled "Land Use Procedures" shall be amended to include Section _____, entitled "Stormwater Control" and that said Section ____ shall read as follows:

Article I

SURFACE WATER RUNOFF

XX-1.Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in XX-2.

C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Borough of Oceanport.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

XX-2. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Planning Map” means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

“CAFRA Centers, Cores or Nodes” means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

“Compaction” means the increase in soil bulk density.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the New Jersey Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to,

development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhood” means a neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

“Municipality” means any city, borough, town, township, or village.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, [*insert name of municipality*], or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;
- (3) Designated as Urban Enterprise Zones; and
- (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

XX-3. General Standards

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section XX-4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

XX-4. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section XX-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department' Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections XX-4.F and XX-4.G:
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections XX-4.F and XX-4.G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections XX-4.F and XX-4.G to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Sections XX-4.F and XX-4.G, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections XX-4.F and XX-4.G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Section XX-4.F and Section XX-4.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section XX-4.E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
2. Nonstructural stormwater management strategies incorporated into site design shall:
 - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - c. Maximize the protection of natural drainage features and vegetation;
 - d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
 - e. Minimize land disturbance including clearing and grading;
 - f. Minimize soil compaction;
 - g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

- h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
 - i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section XX-4.E.3. below;
 - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
 - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
3. Site design features identified under Section XX-4.E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section XX-4.E.3.c below.
- a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
 - b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
 - c. This standard does not apply:

- (1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - (2) Where flows from the water quality design storm as specified in Section XX-4.G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - (b) A bar screen having a bar spacing of 0.5 inches.
 - (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section XX-4.G.1; or
 - (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections XX-4.F and XX-4.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section XX-7, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
 - a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
 - b. The minimum design and performance standards for groundwater recharge are as follows:
 - (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section XX-5, either:

- (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
- (2) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to (3) below.
- (3) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
- (4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
- c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section XX-5, complete one of the following:
 - (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

- (2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
 - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
2. Any application for a new agricultural development that meets the definition of major development at Section XX-2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution			
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

- For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section XX-7, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Section XX-7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to

the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

3. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section XX-6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In

achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections XX-4.F and XX-4.G.

6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section XX-7.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
 - a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
 - (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.
 - b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.
 - c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the

stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

- (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
 - (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
 - (3) Temperature shall be addressed to ensure no impact on the receiving waterway;
 - (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
 - (5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
 - (6) All encroachments proposed under this section shall be subject to review and approval by the Department.
- d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section XX-4.G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to XX-G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in XX-G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.
- e. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004 , provided that the construction begins on or before February 2, 2009.

XX-5. Calculation of Stormwater Runoff and Groundwater Recharge

- A. Stormwater runoff shall be calculated in accordance with the following:
1. The design engineer shall calculate runoff using one of the following methods:
 - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section XX-4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or

- b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at Section XX-5.A.1.a and the Rational and Modified Rational Methods at Section XX-5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

XX-6. Standards for Structural Stormwater Management Measures

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands;

flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section XX-8.D.
 3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
 4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
 5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section XX-8.
- B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section XX-4 of this ordinance.
- C. Manufactured treatment devices may be used to meet the requirements of Section XX-4 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

XX-7. Sources for Technical Guidance

- A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- B. Additional technical guidance for stormwater management measures can be obtained from the following:
1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
 2. The Rutgers Cooperative Extension Service, 732-932-9306; and
 3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

XX-8. Safety Standards for Stormwater Management Basins

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- B. Requirements for Trash Racks, Overflow Grates and Escape Provisions
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
 - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

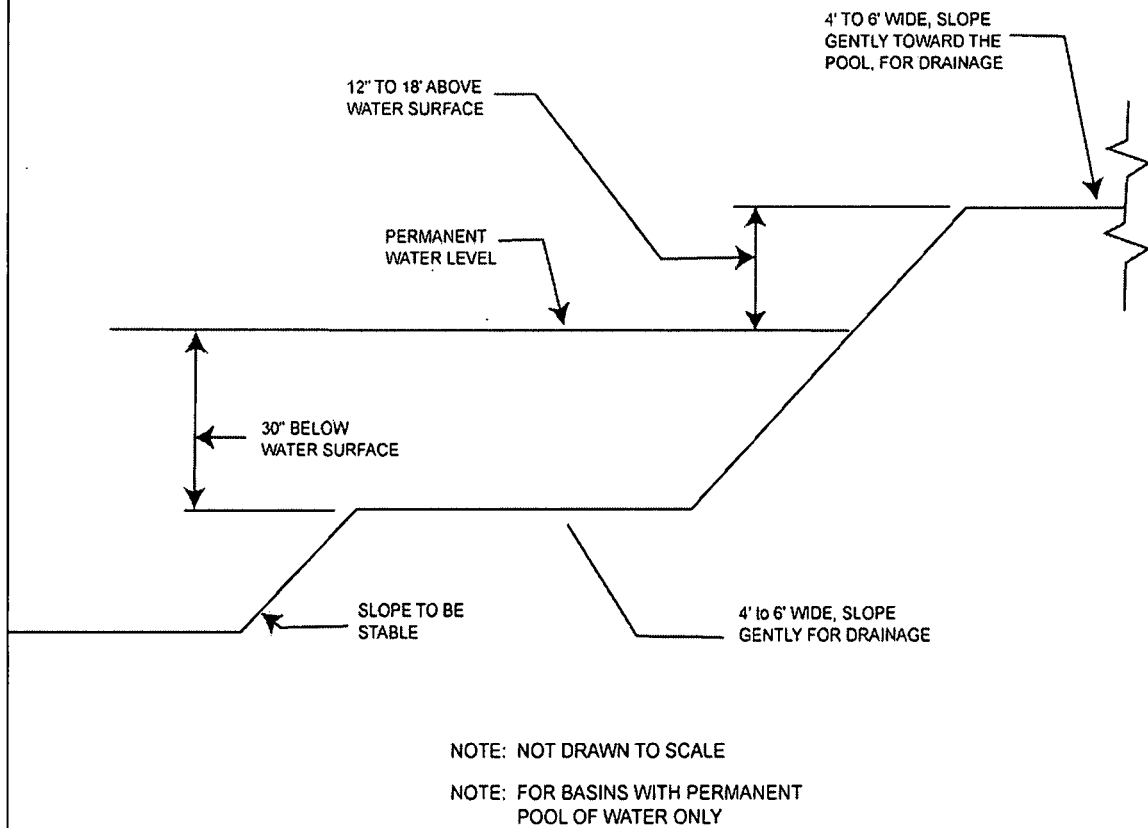
- a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - b. The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
- a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in XX-8.C a free-standing outlet structure may be exempted from this requirement.
 - b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section XX-8.D for an illustration of safety ledges in a stormwater management basin.
 - c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin

Depicted is an elevational view.



XX-9. Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at XX-9.C below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit ten (10)] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section XX-9.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for

stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections XX-3 through XX-6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section XX-4 of this ordinance.
- b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section XX-10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections XX-9.C.1 through XX-9.C.6 of this ordinance when it can be demonstrated that

the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Maintenance and Repair

A. Applicability

1. Projects subject to review as in Section XX-1.C of this ordinance shall comply with the requirements of Sections XX-10.B and XX-10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Section XX-10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section XX-10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under Section XX-10.B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
7. The person responsible for maintenance identified under Section XX-10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under Section XX-10.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections XX-10.B.6 and XX-10.B.7 above.
 9. The requirements of Sections XX-10.B.3 and XX-10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
 10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

XX-11. Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the standard penalties:

XX-12. Effective Date

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

XX-13. Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Introduced: January 17, 2008
Approved: January 17, 2008
Adopted: February 7, 2008

I hereby approve the adoption of this Ordinance this 7th day of February 2008.

Attest:



KIMBERLY A. JUNGFER, RMC



MICHAEL J. MAHON, MAYOR

ORDINANCE NO. 834

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY REPEALING IN ITS ENTIRETY CHAPTER 16B OF THE OCEANPORT CODE, ENTITLED "PUBLIC SAFETY ADVISORY COMMITTEE".

WHEREAS, on March 4, 2004, the Mayor and Council of the Borough of Oceanport adopted Ordinance No. 772, which created a Public Safety Advisory Committee; and

WHEREAS, the Mayor and Council have now deemed it appropriate to repeal same;

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that:

SECTION 1.

Chapter 16B of the Oceanport Code, entitled "Public Safety Advisory Committee", is hereby REPEALED IN ITS ENTIRETY.

SECTION 2. INCONSISTENT ORDINANCES

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

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

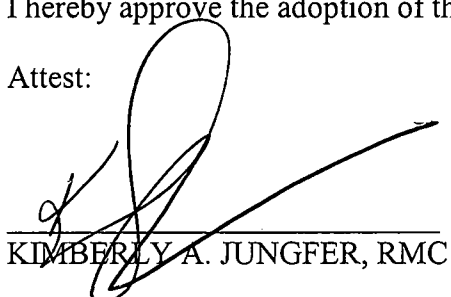
Introduced: January 17, 2008

Approved January 17, 2008

Adopted: February 7, 2008

I hereby approve the adoption of this Ordinance this 7th day of February 2008.

Attest:


KIMBERLY A. JUNGFER, RMC


MICHAEL J. MAHON, MAYOR

ORDINANCE NO. 835

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY CREATING A NEW SECTION ENTITLED "HISTORICAL COMMITTEE."

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

1. Creation / Continuance of Committee

It is recognized that a Borough Historical Committee had existed, but now is being formalized by ordinance and shall forthwith be named and called the "Borough of Oceanport Historical Committee", hereinafter called the "Historical Committee".

2. Compensation; reimbursement of expenses; and clerical assistance

The members of the Historical Committee, including ex-officio members, shall receive no compensation for their services as members thereof, but may be reimbursed for reasonable and necessary appropriations made available therefore, but only upon request to and approved by the Borough Council.

3. Powers and duties

The powers and duties of the Historical Committee shall be to:

- A. Encourage the protection and preservation of historical landmarks and points of interests within the Borough of Oceanport.
- B. Encourage historical and genealogical research and publication of its results.
- C. Make all information and acquisitions of the Historical Committee available to the public.
- D. Advise the Borough Council on matters affecting the historical landmarks and points of interest.
- E. Maintain an updated inventory or index of all historical documents, records, relics, landmarks, and points of interest within the Borough of Oceanport.
- F. Seek to coordinate, assist, and unify the efforts of private groups, institutions, and individuals within the Borough of Oceanport in accord with the purposes of this chapter.

- G. Maintain liaison and communication with the public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the protection and preservation with respect to the historical points of interests, or who can be of assistance to the Historical Committee.
- H. Carry out other such duties as may be assigned from time to time by the Borough Council.

4. Membership; terms

- A. The Historical Committee shall consist of a minimum of five (5) members, including ex-officio members, but this chapter provides for additional members at the discretion of the Mayor and Council, all of whom shall be appointed by the Mayor, with the consent of the majority of the members of the Borough Council as a whole, and shall serve at the pleasure of the Borough Council, along with ex-officio members, as provided herein. Persons interested in historical aspects of the Borough shall be eligible for appointment as members of the Historical Committee. Vacancies on the Historical Committee shall be filled in the same manner as the original appointments, except that vacancies occurring other than by the expiration of the term of the office shall be filled only for the remainder of the unexpired term of the original appointee. All appointees shall be appointed for a term of one year during the annual Borough Reorganization Meeting. Any member who serves shall be eligible for reappointment. Generally, members must primarily reside in the Borough of Oceanport. However, the Mayor and Council may appoint or reappoint up to one regular member whom does not at the time of the appointment primarily reside in the Borough of Oceanport if such members previously resided in the Borough of Oceanport and have an interest in the history of the Borough.
- B. The Mayor, and a member of the Borough Council approved by the Mayor, shall serve as ex-officio members of the Historical Committee.
- C. The Historical Committee shall be encouraged to seek participation of other residents of the Borough in all activities.

5. Officers and records

The Historical Committee, at its annual meeting, shall designate a Chairperson, who shall serve for a term of one year. At each annual meeting of the Historical Committee, its members shall elect, from among themselves, all officers of the Historical Committee and establish rules and procedures for its members to follow. The Historical Committee shall keep accurate records of its meetings and activities and shall file an annual report with the Borough Council. The annual report shall cover the activities and work of the

Historical Committee and include recommendations as may be necessary to fulfill the purposes of this chapter.

6. Intent

This chapter shall be deemed an exercise of the powers of the Borough Council to protect and preserve Oceanport historical documents, records, relics, landmarks and points of interest located in the Borough of Oceanport, and it shall not be deemed to impair the powers of the Borough Council, the Planning Board, or other public corporations. It is also the intent that this Historical Committee encourages public participation and education concerning the Borough's history and to serve as a vehicle for that purpose.

7. Zoning Code compliance

The Historical Committee shall also serve as an advisory committee to the Oceanport Planning Board to the extent that the Oceanport Municipal Land Use Ordinance requires such advise or review with regard to historical landmarks.

Regulations applying to the HD Zone District.

- (1) The HD (Historic District) Zone shall not regulate the use of land or buildings. It is for the purpose of preserving cultural, social economic and architectural history through the preservation of historically significant buildings and to create an appropriate and harmonious neighborhood for the historically significant buildings.
- (2) In addition to all other requirements of this chapter, no building or structure shall hereafter be erected, reconstructed, altered, restored or demolished within the Historic District unless and until an application for a building permit shall have been approved as to exterior architectural features which are subject to public view from a public street, way or place. Evidence of such required approval shall be a certificate of appropriateness issued by the Planning Board. Upon receiving an application for a building permit in the Historic Zone, the Construction Official shall promptly forward three copies thereof to the Administrative Secretary, who shall place it on the agenda of the next meeting of the Planning Board.
- (3) In reviewing the plans, the Planning Board shall give consideration to:
 - (a) The historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;
 - (b) The general compatibility of exterior design, arrangement, texture and materials proposed to be used; and

- (c) Any other factor, including aesthetic, which it deems pertinent.
- (4) The Planning Board shall pass only on exterior features of a structure and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in the previous paragraph.
- (5) It is the intent of this section that the Planning Board be strict in its judgment of plans for alterations, repair or demolition of existing structures deemed to be valuable according to studies, approved by the Planning Board of the Borough of Oceanport, by qualified persons using as the criteria of evaluation those developed by the National Trust for Historic Preservation. A list of such structures designated by street address and block and lot number is maintained by the Oceanport Historical Committee to guide the Planning Board in its judgments.
- (6) It is the intent of this section that the Planning Board shall encourage any alterations or repairs to structures on this list be made in the spirit of their architectural style, and that any additions will be made in such manner as not to detract from a building's original appearance.
- (7) The buildings included on the list, referred to in Subsection F(5) above, are those structures within the district that are deemed to be valuable for the period of architecture they represent and important to the neighborhood within which they exist. It is intended that demolition of these structures should be discouraged, as their loss will be common loss to the Borough and the neighborhood. Moving of a structure on the list should be encouraged as an alternative to demolition, if there is no other way to save the structure.
- (8) It is also the intent of this section that the Planning Board shall be lenient in its judgment of plans for new construction or for alterations, repair or demolition of structures of little historic value not shown on the list which are within the Historic District, except where such construction, alteration, repair or demolition would seriously impair the historic value and character of surrounding structures or the surrounding area.
- (9) Demolition or removal may be forbidden or postponed for a period of six months (after public hearing granted to applicant if desired) and the Planning Board shall, during that time, consult civic groups and public agencies to ascertain how the Borough may preserve the building and/or premises. The Planning Board is empowered to work out with the owner feasible plans for preservation of structures where moving or demolition thereof would be a great loss to the public and to the Borough.
- (10) When it is necessary to move an historic building to another site within the Borough to preserve it, upon recommendation of the relocation plans by the Planning Board and approval of same by a vote of the Mayor and Council, said

building may be relocated providing it fulfills the area regulations of said zone as to lot size, setback and yard areas. Furthermore, the Mayor and Council shall consult with the Police and Fire Departments of the Borough of Oceanport, along with any other appropriate parties (e.g. utility company, etc.) in determining whether the approve a relocation plan.

- (11) The Planning Board shall have the power to engage experts to aid in its deliberations. The Planning Board shall have the power to issue a certificate of approval if it approves of the plans submitted to it for its review. A building permit shall not be issued until such certificate of approval has been issued by the Planning Board.
- (12) The Planning Board, in passing on the appropriateness of exterior architectural features in any case, shall keep in mind the purposes set forth in Subsection F(1) above, and shall consider among other things the general design, arrangement, texture, material and color of the building or structure in question and the relation of such factors to similar features of buildings and structures in the immediate surroundings, and the position of such buildings or structures in relation to the street or public way and to other buildings and structures.
- (13) The Planning Board shall not consider features not subject to public view. The Planning Board shall not make recommendations or requirements except for the purpose of preventing developments obviously incongruous to the historic aspects of the surroundings and the Historic District.
- (14) In case of disapproval, the Planning Board shall state its reasons therefore in writing and it may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, color and the like, of the building or structure involved.
- (15) Upon approval of the plans the Planning Board shall cause a certificate of appropriateness, dated and signed by the Chairperson, to be issued to the applicant or affixed to the plans.
- (16) If the Planning Board shall fail to take action in any case within 60 days after receipt of any application for a certificate of appropriateness or a permit for removal, the case shall be deemed to be approved except where mutual agreement has been reached for an extension of the time limit.
- (17) The Planning Board and the Mayor and Council may consult with the Historical Committee with regard to any applications put before them; they are not, however, bound by the findings or opinions of that body.

8. Inconsistent Ordinances

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

9. 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 this Ordinance shall be deemed valid and effective.

10. Effective Date

This Ordinance shall take effect upon its passage and publication according to law.

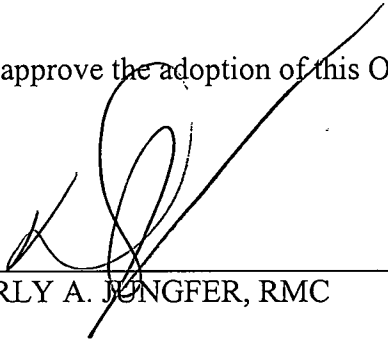
INTRODUCED: March 6, 2008

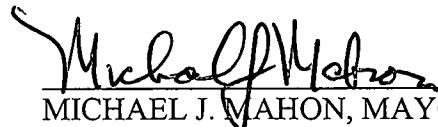
APPROVED: March 6, 2008

ADOPTED: March 20, 2008

I hereby approve the adoption of this Ordinance this 20th day of March 2008.

Attest:


KIMBERLY A. JONGFER, RMC


MICHAEL J. MAHON, MAYOR

ORDINANCE NO. 836

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 64 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "VEHICLE AND TRAFFIC" TO INCLUDE A NEW SECTION ENTITLED "TRAFFIC CONTROL."

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

PART I

TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS

I-1. ADOPTION OF MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.

The Council hereby finds and declares that problems of traffic control occur when traffic must be moved through or around street construction, maintenance operations, and utility work, above and below ground which requires blocking the roadway and obstructing the normal flow of traffic; and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulations directed to the safe and expeditious movement of traffic through construction and maintenance zones and to provide safety for the work force performing these operations.

The Borough of Oceanport in the County of Monmouth, State of New Jersey, does hereby adopt the current Manual on Uniform Traffic Control Devices, hereafter known as M.U.T.C.D., except as hereby supplemented and amended, as it controls and regulates whenever construction, maintenance operations of utility work obstructs the normal flow of traffic. Any person, contractor, or utility who fails to comply with the provisions of M.U.T.C.D. while performing such work is in violation of this section.

I-2. PRE-CONSTRUCTION MEETINGS

It shall be the responsibility of the person, contractor, or in the case of a public utility as required under the public utility agreement, wishing to conduct work on, under or above the roadway to contact the Police Chief, Captain or the Traffic Safety Bureau of the Oceanport Police Department, in order to arrange a pre-construction meeting to submit plans for the safe movement of traffic during such period of construction of work. Any person, contractor or utility who fails to comply with this section prior to their start of such work or whose plans are not approved by the Traffic Safety Bureau of the Oceanport Police Department is in violation of this section.

Prior to the start of construction operations, the contractor shall assign a supervisory-level employee to be the Traffic Control Coordinator. The Traffic Safety Bureau of the Oceanport Police Department shall be notified as to the name of this individual at the pre-construction meeting, along with a method of contacting the individual on a 24-hour, 7-day a week basis.

I-3. HAZARDOUS CONDITIONS

The person, contractor, or utility shall provide the Oceanport Police Department with at least two (2) emergency contact phone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. If for any reason emergency contact cannot be reached, or if the emergency contact person does not respond to the call from the Police Department to correct a hazardous condition, the Borough may respond to correct such hazardous condition. The reasonable fees for such emergency service by the Borough shall be charged to the person, contractor, or the utility responsible for such conditions.

I-4. HOURS

There shall be no construction, maintenance operations, or utility work on any roadway in the Borough before the hour of 8:00 A.M. or after 6:00 P.M. The Chief of Police or the officer in charge of the shift of the Oceanport Police Department may adjust this time limit to permit work prior to 8:00 A.M. or after 6:00 P.M. This limitation shall not apply to work of an emergency nature or work requiring immediate attention, nor shall it apply to work which can only be done within the restricted hours of the morning. If such work is to occur, the Oceanport Police Department shall be notified immediately. If it is determined by the officer in charge of the Traffic Safety Bureau that the construction or maintenance operations prior to 8:00 A.M. or after 6:00 P.M. would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 8:00 A.M. or 6:00 P.M. not to exceed three days except on further application citing specific reasons and on approval of Traffic Safety Management.

I-5. ROAD CLOSINGS AND DETOURS.

The Oceanport Police Department must approve any road closing in the Borough of Oceanport and deem if necessary police officers for traffic control. Failure to do so will result in the job being shut down.

Road closings and/or traffic detours shall not be permitted unless approved by the Oceanport Police Department.

Should the Contractor begin work prior to the work zone being properly established as described herein, the Borough of Oceanport shall assume no responsibility for tort liability issues arising from the Contractor's premature start. All liability and consequences arising from a premature start are solely the Contractor's. It should be noted that at the conclusion of the workday, the detour route will be discontinued and the area under construction reopened to traffic until the start of the following workday.

Therefore, the Contractor shall ensure that all of his equipment and materials are removed from the roadway, the road clear of all debris and all raised manholes, inlets and other appurtenances have traffic control devices (i.e., drums) placed over them.

In the event that a manhole, inlet or other appurtenances is in the middle of a travel way and the placement of a traffic device would impede the flow of traffic, the manhole, inlet or other appurtenance will be ramped with fresh bituminous material (either cold or hot mix). The use of millings to perform this operation will not be allowed.

I-6. TRAFFIC DETOURS

Certified traffic directors shall be posted at all construction or maintenance sites when determined by the Oceanport Police Departments Traffic Safety Bureau that same is necessary to provide for the expeditious movement of traffic.

The Contractor shall notify the respective Police Department at least (2) two working days in advance of requiring certified traffic directors. The Contractor shall be responsible for all arrangements regarding the certified traffic directors.

Contractors wishing to utilize private certified traffic directors must supply to the Police Department the certifications and training documents of all directors that will be in the roadway or controlling vehicular or pedestrian traffic.

I-7. STOP WORK

The Oceanport Police Department shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, back filling of an open excavations and/or other related work, in order to abate any nuisance and/or safety hazard or for any violation of this section.

I-8. SITE PREPARATION.

It is to be expressly understood that no materials, vehicles or equipment are to be placed in the roadway or sidewalk area until all construction, signs, lights, devices and pavement markings are installed.

It shall be the Contractor's responsibility to maintain driveway access for all adjacent property owners. In the event that the driveway access must be temporarily denied, the Contractor shall provide written notice to the Oceanport Police Department and the property owner at least (5) five working days in advance of the driveway closing.

The Contractor shall present to the Oceanport Police Department all traffic control devices and materials necessary to execute proper maintenance and protection of traffic operations for the project. The number and type of traffic control devices deemed necessary by the Oceanport Police Department. The Contractor shall have all traffic control devices and materials present for examination at least five (5) working days prior to start of work.

All traffic control devices supplied are to be new or in good condition. Traffic devices damaged under the work contract as a result of carelessness or mishandling by the contractor (i.e. running over cones or barrels with his equipment or splashing tar on traffic control devices, etc.) shall be replaced by the Contractor within (5) five working days.

The Oceanport Police Department reserves the right to reject any traffic control device which, in their sole opinion, does not satisfy the criteria of M.U.T.C.D. specifications, is damaged or otherwise incapable of providing the function for which it was intended. In this event, the Contractor shall replace the deficient traffic control device and/or materials within (2) two working days. Upon completion of a Municipal contract project, all traffic control devices and materials become the property of the Borough of Oceanport.

PART II

II-1. The following is a list of streets that must have a certified traffic director while work is being conducted. Failure to have a certified traffic director will result in the job being shut down. All other roads are at the discretion of the Chief, Captain or Traffic Bureau.

- 1) Port-Au-Peck Avenue
- 2) Oceanport Avenue
- 3) East Main Street
- 4) Main Street
- 5) Eatontown Blvd
- 6) Wolf Hill Avenue
- 7) Asbury Avenue
- 8) Relwof Ave.
- 9) Bridgewaters Drive
- 10) Comanche Drive
- 11) Monmouth Blvd
- 12) Shrewsbury Avenue
- 13) Branchport Avenue
- 14) Pemberton Avenue
- 15) Monmouth Road
- 16) Myrtle Avenue

II-2 Whenever a certified traffic director is required or requested for traffic control, the person, contractor or utility is responsible for the costs of the certified traffic directors and equipment. When the Contractor chooses to use Oceanport police officers to direct traffic, officers will be assigned by the Police Department and their rate of pay will be established by the Borough of Oceanport. A reasonable fee will be added to the hourly rate to cover Workman's compensation, Medicare and the use of police department equipment and vehicles.

II-3 When the Contractor chooses to use Oceanport police officers to direct traffic, payment to cover the estimated cost of traffic control for the project must be delivered to the Borough of Oceanport prior to the beginning of work.

PART III

III-1. VIOLATIONS AND PENALTIES

Any person, contractor or utility who commits a violation of this article shall, upon conviction thereof for a first offense pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and/or be imprisoned in the County Jail for a term not exceeding ninety (90) days.

For a second offense, upon conviction thereof, pay a fine for not less than Two Hundred and Fifty Dollars (\$250.00) and/or be imprisoned in the County Jail for a term not exceeding ninety (90) days.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

III-2. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such inconsistency.

III-3. This ordinance shall take effect after approval by the Commissioner of Transportation twenty (20) days after passage and publication as prescribed by law.

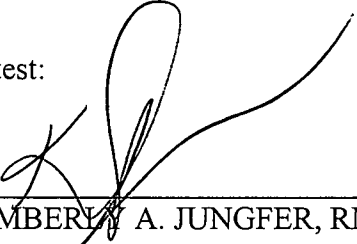
INTRODUCED: March 6, 2008

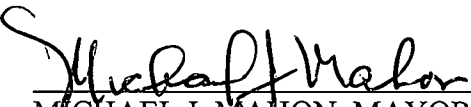
APPROVED: March 6, 2008

ADOPTED: March 20, 2008

I hereby approve the adoption of this Ordinance this 20th day of March 2008.

Attest:


KIMBERLY A. JUNGFER, RMC


MICHAEL J. MAHON, MAYOR

ORDINANCE NO. 837

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 7A, SECTION 2 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ENVIRONMENTAL COMMISSION" AND CREATING A COMMISSION OF SEVEN MEMBERS

WHEREAS, the Mayor and Council has previously created an Environmental Commission ("Commission") pursuant to the provisions of N.J.S.A. 40:56A-1 et seq; and

WHEREAS, the previously created Commission consists of five (5) members; and

WHEREAS, the Mayor and Council have determined it to be in the best interest of the Borough and conducive to the efficiency and effectiveness of the Commission to create a seven (7) member Commission as allowed by N.J.S.A. 40:56A-1;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that Chapter 7A of the Revised General Ordinances of the Borough of Oceanport, entitled "Environmental Commission" be amended as follows:

Section I

Section 7A-1 "Appointments, terms of office, compensation" shall be amended to read as follows:

The Mayor in his discretion shall appoint the members of the Environmental Commission, which shall consist of seven (7) person, residents of the Borough of Oceanport, one (1) of whom shall also be a member of the Planning Board. The Commissioners first appointed shall hold office for terms for one, two or three years, to be designated by the Mayor in making his appointments so that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors. The members shall receive no compensation for their services.

Section II Inconsistent Ordinances

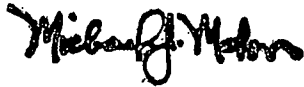
All ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

Section III Effect of Partial Invalidity

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The governing body of the Borough hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or part thereof be declared invalid or unconstitutional.

Section IV Effective Date

This Ordinance shall take immediately after final adoption and publication as required by law.



Michael J. Mahon, Mayor

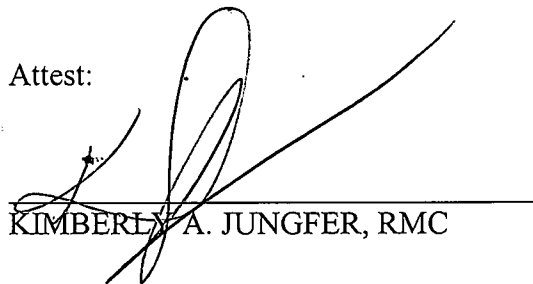
INTRODUCED: February 21, 2008

APPROVED: February 21, 2008

ADOPTED: March 20, 2008

I hereby approve the adoption of this Ordinance this 20th day of March 2008.

Attest:



KIMBERLY A. JUNGFER, RMC



MICHAEL J. MAHON, MAYOR

**CALENDAR YEAR 2008
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 2008 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 **\$ 48,552.74** 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 **\$ 169,934.59**, 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 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.

**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	\$ 5,000 - 24,000.
Assessor's Assistant	\$ 1,000 - 10,000.

D. COLLECTION OF TAXES

Tax Collector	\$53,000. - 63,000.
Tax Office Clerk	\$28,000. - 31,000.

E. MUNICIPAL COURT

Municipal Court Judge	\$15,000 - 23,000.
Court Administrator	\$30,000 - 45,000.
Court Assistant-Hourly rate \$15 -20	\$ 1,500.
Municipal Prosecutor	\$ 100-200./hour
Public Defender	\$ 100-200./hour

F. LEGAL SERVICES

Borough Attorney	\$ 0 - 20,000.
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G. PLANNING BOARD

Planning Board Attorney	\$ 0 - 10,000.
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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.
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Patrolman II (commencing fourth year of service)	\$ 72,930.
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Patrolman III (commencing third year of service)	\$ 63,358.
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Patrolman IV (commencing second year of service)	\$ 53,786.
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Patrolman V (commencing first year of service)	\$ 44,215.
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Probationary Patrol VI	\$ 34,642.
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Dispatchers:	\$28,000 - 55,000.
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Records Clerk	\$30,000 - 59,000.
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School Crossing Guards, each	\$ 6,500 - 11,000.
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I. PUBLIC WORKS & RECYCLING DEPARTMENT

Superintendent	\$55,000 - 70,000.
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Foreman	\$38,000 - 50,000.
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Helper	\$28,000 - 45,000.
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J. RECREATION AND EDUCATION

Recreation Coordinator	\$ 9,000 - 13,000.
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Action Camp Director	\$ 0.
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Recreation Aides & Assistants, total	\$ 0.
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Building Custodian	\$ 1,700 - 2,500.
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Community Center/Old Wharf House reservations	\$ 0.
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Library Aide	\$ 0 - 2,000.
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Construction Official	\$20,000 - 30,000.
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Building Inspector	\$10,000 - 13,000.
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Plumbing Sub Code Official	\$ 8,000 - 10,000.
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Electrical Sub Code Official	\$ 8,000 - 10,000.
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Housing Inspector	\$ 4,000 - 6,000.
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Fire Sub Code Official	\$ 4,000 - 5,500.
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Building Sub Code Official	\$ 6,500 - 8,000.
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Zoning Enforcement Officer	\$ 0 - 10,000.
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Code Enforcement Officer	\$ 0 - 10,000.
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Control Person	\$ 8,000 - 10,000.
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K. BOARD OF HEALTH

Registrar	\$ 1,000 - 2,000.
Secretary	\$ 400 - 700.

L. EMERGENCY MANAGEMENT

Emergency Management Coordinator	\$ 3,000 - 4,000.
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M. CASUAL LABOR

\$8.00 - \$20.00 per hour

N. 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) .

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: April 3, 2008

APPROVED: April 3, 2008

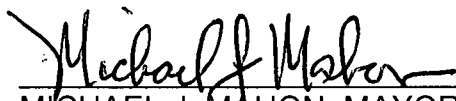
ADOPTED: April 17, 2008

I hereby approve the adoption of this Ordinance this 17th day of April 2008.

Attest:



KIMBERLY A. JUNGFER, RMC



MICHAEL J. MAHON, MAYOR

An Ordinance Amending Chapter 44A entitled "Parks and Playgrounds" Regulating the Use of Athletic Facilities within the Borough of Oceanport.

PURPOSE

The Borough of Oceanport recognizes the need to review requests and establish formal scheduling procedures for the use of its Athletic Fields, Courts & Rinks in the borough (hereinafter referred to as athletic facilities) by groups, clubs, teams, schools & sports associations. Athletic facilities owned and/or maintained by the Borough of Oceanport will be available for use by groups, clubs, teams, schools & sports associations as outlined in these rules and regulations. The Borough of Oceanport will coordinate the maintenance of the athletic facilities. The groups, clubs, teams, schools & sports associations using the athletic facilities must adhere to all Borough Rules and Regulations.

ATHLETIC FACILITY AVAILABILITY AND USE

1. A limited number of established athletic facilities are available for use in the Borough of Oceanport. Athletic facilities are available for league play, tournament or seasonal camp use and are available to amateur athletic and/or recreation groups. No unauthorized practice or play by a team or organized group will be allowed.

2. The Borough of Oceanport reserves all rights to schedule, reschedule, restrict or limit date availability for any reason. The Borough of Oceanport specifically reserves the right to cancel any athletic facility use at any time for any reason.

3. No alterations to existing athletic facilities shall be allowed without prior approval from the Borough of Oceanport Municipal Council by way of Resolution.

4. Groups reserving athletic facilities will be held responsible for the behavior and actions of all players, coaches and spectators. Groups reserving athletic facilities shall be responsible for any and all damage resulting from the misuse of any Borough of Oceanport athletic facility or property. All groups must inspect the athletic facility and adjacent area for litter at the conclusion of their game/event time and remove any such litter from the athletic facility, properly disposing of it off site. The Borough of Oceanport reserves the right to bill the group that utilized the athletic facility for clean-up of the athletic facility and adjacent property if the Borough deems that there was excessive litter left at the athletic facility or adjacent property after use.

5. Any violation of the Borough of Oceanport rules, regulations or Ordinances will result in the cancellation of the next scheduled game, date or event and loss of the security fees paid by the group committing the violations.

6. A second violation will result in the cancellation of the next two scheduled games, dates or events and loss of any security deposit paid by the group committing the violations plus suspension of reservation privileges for one year from the date of the violation.

7. The time and materials expended by the Borough of Oceanport in repairing damage or conditions caused by a team's fans or the team's conduct, actions or

misuse of the athletic facilities may be billed to the scheduling team, league or group at the Borough of Oceanport's Municipal Council's discretion.

FEES AND CHARGES

1. Permit fees are based upon a per game, date or event basis, per facility. Fees for athletic facility use are contained within the Borough of Oceanport fee Ordinance.

SCHEDULING PROCEDURES

1. Athletic facility requests should be made as soon as practical, preferably thirty (30) days in advance of the date of the game or event, and may be made by mail. The date of receipt of the request by the Borough will be the date that the request is deemed made. Requests made less than thirty (30) days in advance of the requested date may be rejected.

2. Requests for athletic facilities use are to be submitted simultaneously to the office of the Borough Clerk and the Recreation Committee. The Recreation Committee meetings are held on the 2nd Wednesday of each month. Requests may be sent to:

Oceanport Borough Clerk,
Oceanport Recreation Committee
222 Monmouth Blvd., Oceanport, NJ 07757

3. The requests for athletic facility use will be reviewed and discussed by the Recreation Committee to determine the benefit to the Borough and the impact upon the athletic facilities and upon other Borough affiliated programs and events.

4. Representatives of the entities making an athletic facilities request may be asked to appear before the Recreation Committee to answer questions and/or provide additional information prior to acting upon the request. The Recreation Committee may make recommendations regarding the athletic facilities requests to the Municipal Council, who will approve or deny the requests for the athletic facility use by Resolution.

5. Games, dates or events can be cancelled at the Borough's discretion. Any cancellations must be rescheduled through the Recreation Coordinator and are subject to athletic facility availability.

6. Prior to facility use, groups requesting facilities must provide a current certificate of comprehensive general liability insurance from an insurer licensed to do business in the State of New Jersey, to the Borough Clerk, with limits not less than \$1,000,000 Bodily Injury/Property Damage Combined single limit. The certificate of insurance must specifically name the Borough of Oceanport as an additional insured. Failure to provide a valid and acceptable certificate of insurance will void facility use.

7. The Borough of Oceanport hereby recognizes the following entities as those that are charged with the responsibility to plan promote and organize specific recreation programs within the Borough for the Borough and its residents and

individuals allowed to participate in such recreational sports programs, and as such are exempted from fees for athletic facilities use:

- Oceanport Baseball Association
- Oceanport Basketball Association
- Oceanport Roller Hockey Association
- Oceanport Soccer Association

8. All fee payments and any other related athletic facility correspondence must be sent to:

Recreation Committee-Facilities Attn: Recreation Coordinator
Borough of Oceanport 222 Monmouth Blvd.
Oceanport, NJ 07757

All payments are to be made payable to The Borough of Oceanport.

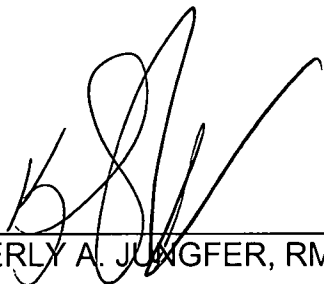
INTRODUCED: April 3, 2008

APPROVED: April 3, 2008

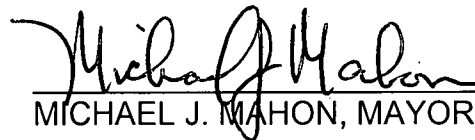
ADOPTED: April 17, 2008

I hereby approve the adoption of this Ordinance this 17th day of April 2008.

Attest:



KIMBERLY A. JUNGFER, RMC



MICHAEL J. MAHON, MAYOR

An Ordinance amending Chapter 35A entitled "Fees" to create sections entitled "Athletic Facilities Use Fees.", and "Boat Ramp Use Fee."

Athletic Facilities Use Fees.

A. The following is established as the fee to be paid for the use of a Borough of Oceanport athletic facility:

1. Youth Fee:
 - (a) Resident fee - \$20/hour
 - (b) Non-Resident Fee - \$40/hour
2. Non-Youth Fee:
 - (a) Resident Fee - \$30/hour
 - (b) Non-Resident Fee - \$50/hour

B. Fees are allocated on a per hour/per field basis. The following are the predetermined allocations of time for particular events:

- (1) Practice time allotment - 1 hour
- (2) Game Time allotment - 2 hours

C. Resident Team Rosters shall consist of 50% Oceanport residents. All other teams are to be considered Non-Resident Teams. The determination of whether a team is a resident or non-resident team, when disputed, shall be decided by the Municipal Council and confirmed by way of Resolution.

BOAT RAMP FEES

A. The following is established as the fee to be paid for the use of a Borough of Oceanport Boat Ramp at Blackberry Bay Park:

1. The Daily use fee for putting in and retrieving a boat:
 - (a). Resident fees \$5.00
 - (b) Non-Resident fee \$10.00
2. A seasonal use permit allowing for unlimited use by a single boat shall be:
 - (a) Resident fee \$15.00
 - (b) Non-Resident fee \$30.00

B. The use permit shall be displayed prominently by the individual using the Boat Ramp. The permit will allow the one boat assigned to the permit to use the Ramp, regardless of which vehicle is towing the boat.

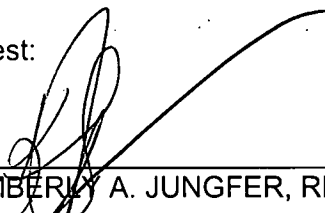
INTRODUCED: April 3, 2008

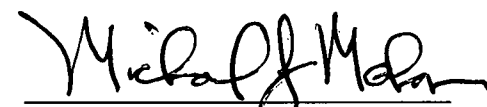
APPROVED: April 3, 2008

ADOPTED: April 17, 2008

I hereby approve the adoption of this Ordinance this 17th day of April 2008.

Attest:


KIMBERLY A. JUNGFER, RMC


MICHAEL J. MAHON, MAYOR

**BOROUGH OF OCEANPORT
COUNTY OF MONMOUTH**

BOND ORDINANCE NO. 842

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT APPROPRIATING \$823,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$629,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND 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, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Oceanport, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$823,000, said sum being inclusive of all appropriations heretofore made therefore and including \$160,000 grant funds expected to be received from the New Jersey Department of Transportation, and the sum of \$33,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq.. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$629,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

- i). The 2008 Road Program, with a total appropriation and estimated cost of \$672,000, including the \$160,000 grant funds expected to be received from the New Jersey Department of Transportation, estimated maximum amount of bonds or notes therefor of \$487,000, and an average period of usefulness of 10 years;
- ii) Acquisition of Police Department Equipment, with a total appropriation and estimated cost of \$77,000, estimated maximum amount of bonds or notes therefor of \$73,000, and an average period of usefulness of 5 years;

- iii) Acquisition of Department of Public Works Equipment, with a total appropriation and estimated cost of \$17,000, estimated maximum amount of bonds or notes therefor of \$16,000, and an average period of usefulness of 5 years;
- iv) Various improvements to municipal buildings, with a total appropriation and estimated cost of \$45,000, estimated maximum amount of bonds or notes therefor of \$42,500, and an average period of usefulness of 15 years;
- v) Acquisition of a Recording and PA System, with a total appropriation and estimated cost of \$12,000, estimated maximum amount of bonds or notes therefor of \$11,000, and an average period of usefulness of 5 years

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$629,500, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$823,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$823,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of funds expected to be received from the New Jersey Department of Transportation and the amount of said \$33,500 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs; such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake 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 the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 9.63 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared 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. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$629,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$35,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. 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 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 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, 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 the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

BOND ORDINANCE NO. 842 (CONT'D)

INTRODUCED: May 15, 2008

APPROVED: May 15, 2008

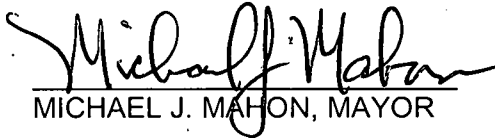
ADOPTED: June 5, 2008

I hereby approve the adoption of this Ordinance this 5th day of June 2008.

Attest:



KIMBERLY A. JUNGFER, RMC



MICHAEL J. MAHON, MAYOR

ORDINANCE #843

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF OCEANPORT, NEW JERSEY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF OCEANPORT, as follows:

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Town" or "Municipality" is the Borough of Oceanport, County of Monmouth, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Monmouth County.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Application" is the Company's Application for Renewal of Municipal Consent.

- h. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearing all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service along the public right-of-way to any person's residence or business located in those areas of the Primary Service Area as set forth herein. Any extension of the cable television system beyond the PSA will be made in accordance with the Office of Cable Television's ("OCTV") Line Extension Policy ("LEP"). For purposes of the LEP, the minimum density of homes-per-mile shall be thirty-five (35).

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designed as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company shall provide Total Preferred cable television service on one (1) outlet at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be

paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.

- b. The Company shall provide Total Preferred cable television service at no cost on one (1) outlet to each police, fire, emergency management facility and public library in the Municipality, provided the facility is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.
- c. A one-time technology grant of \$18,000 to be paid within 12-month of the BPU issuing the Certificate of Approval.
- d. The Company representatives shall appear at least once annually, upon written request of the Borough, at a public hearing of the governing body or before the Borough's Cable Television Advisory Committee, to discuss matters pertaining to the provision of cable service to the residents of the Township and other related issues as the Borough and Company may see fit.

SECTION 15. TWO WAY SERVICES AND INTERCONNECTION

In the event that the Municipality determines that it is necessary and feasible for it to contract with the Company for the purpose of providing two-way or interconnection services, the Company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All costs for such application to the BPU shall be borne by the Municipality.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 20. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21 . REPEALER

This Ordinance shall replace ordinance number 826 entitled Franchises adopted July 19, 2007 in its entirety.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

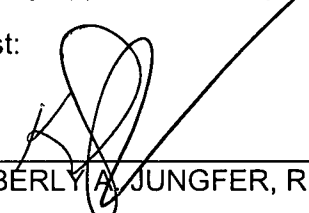
INTRODUCED: May 15, 2008

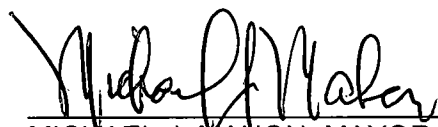
APPROVED: May 15, 2008

ADOPTED: June 5, 2008

I hereby approve the adoption of this Ordinance this 5th day of June 2008.

Attest:


KIMBERLY A. JUNGFER, RMC


MICHAEL J. MAHON, MAYOR

ORDINANCE NO. 844

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 41B OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "LICENSES AND PERMITS".

SECTION 1. BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that the following sections of Chapter 41B of the Code is hereby amended to read as follows:

Article II Amusement Games at ~~Agricultural Fairs and Exhibitions~~

§41B-15 Purpose

- (a) The Amusement Games Licensing Law (N.J.S.A. 5:8-100, et seq.) provides that 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.A. 5:8-121).
- (b) Pursuant to N.J.A.C. 13:3-1.13, any municipality wishing to issue licenses of this nature to a licensee other than an amusement park or agricultural fair and exhibition must be a designated seashore resort.
- (c) It is hereby determined, declared and found that the Borough of Oceanport, ("the Borough") having substantial frontage on the Shrewsbury River, which has been deemed a tidal estuary by the Army Corps of Engineers, and being home to the Monmouth Park Race Track, which provides significant recreation and entertainment to residents and visitors alike, the Borough is, pursuant to N.J.A.C. §13:3-1.1, a seashore resort for purposes of issuing licenses with regard to games of chance.

§41B-17 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 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

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

SECTION 4. 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 this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

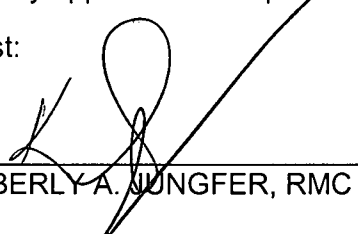
INTRODUCED: May 15, 2008

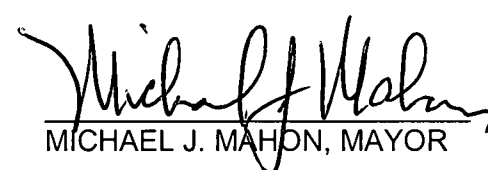
APPROVED: May 15, 2008

ADOPTED: June 5, 2008

I hereby approve the adoption of this Ordinance this 5th day of June 2008.

Attest:


KIMBERLY A. JUNGFER, RMC


MICHAEL J. MAHON, MAYOR

ORDINANCE NO. 845

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 8A OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "FLOOD HAZARD MITIGATION AND FLOODPLAIN MANAGEMENT PLAN COMMITTEE".

SECTION 1. BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that Chapter 8A, Section 8A-3 "Composition", of the Code is hereby amended and revised and shall read as follows:

The Committee shall be composed of eight members, to be selected and appointed by the Mayor. The Committee shall consist of the following: the Superintendent of Public Works, the Construction Official and the Director of Emergency Management. The Director of Emergency Management shall serve as the Committee Chairperson. In addition, there shall be appointed one member of the Borough Council and four at-large members who shall be neither borough employees nor elected officials of the borough and all of whom shall reside in flood-prone areas.

SECTION 2. BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Oceanport that Chapter 8A, Section 8A-8 "Officers", of the Code is hereby amended and revised and shall read as follows:

The Director of Emergency Management shall be the chairperson of the Committee. The members of the Committee may also choose such other officers as they may deem necessary.

SECTION 3. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 4. INCONSISTENT ORDINANCES

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

SECTION 5. 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 this Ordinance shall be deemed valid and effective.

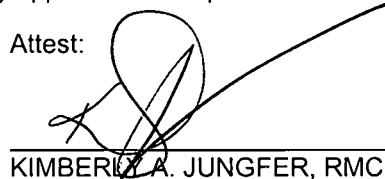
SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

INTRODUCED: May 15, 2008
APPROVED: May 15, 2008
ADOPTED: June 5, 2008

I hereby approve the adoption of this Ordinance this 5th day of June 2008.

Attest:


KIMBERLEY A. JUNGFER, RMC


MICHAEL J. MAHON, MAYOR

ORDINANCE # 846

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 8 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "FIRE DEPARTMENT".

SECTION 1. BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that Chapter 8, Section 8-15 "Investigation by Chief of Police", of the Code is hereby amended and revised and shall read as follows:

- A.** Following the filing of such application, the volunteer organization shall transmit one (1) copy of the applications to the Chief of Police of the Borough of Oceanport, who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his or her application and any such other investigation of the applicant's background as may be deemed necessary for the protection of the public good. If, as a result of such investigation, the applicant is found to have been convicted of a violation of *N.J.S.A. 2C:17-1a, b, c and/or d* or *N.J.S.A. 2C:33-2* or any crime or disorderly persons offense involving moral turpitude or other offenses which the Chief believes would be inappropriate for the position applied, the Chief of Police shall consider same in his or her decision as to whether to recommend the applicant to the Mayor and Council as suitable. If the Chief finds that the applicant is unsuitable, he or she shall provide a list of reasons to the applicant explaining said decision. The applicant may appeal the Chief's designation of unsuitability to the Mayor and Council with the understanding that, upon appeal, any information supplied to the Mayor and Council shall become a matter of public record.
- B.** In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police is authorized to submit the applicant fingerprint card and receive state criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered by this Article.

SECTION 2. BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Oceanport that Chapter 8, Section 8-17 "Time limit of investigation", of the Code is hereby amended and revised and shall read as follows:

The investigation by the Chief of Police authorized by this Article shall be completed within sixty (60) days of receipt of application and the fingerprinting of the applicant. The applicant's fingerprints shall be submitted to the Division of State Police/State Bureau of Identification by the Chief of Police within fourteen (14) days of receipt of the application.

SECTION 3. BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Oceanport that Section 8-18 "Approval of Membership", of the Code is hereby appended to Chapter 8 and shall read as follows:

Upon consideration of the recommendation of the Chief of Police as to the suitability or unsuitability of the applicant, and following the appeal by the applicant, if such appeal occurs, the Mayor and Council shall vote to approve or disapprove the application. Only if a majority of the Council approves an application shall an applicant be accepted as a volunteer.

SECTION 4 REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 5. INCONSISTENT ORDINANCES

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

SECTION 6. 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 this Ordinance shall be deemed valid and effective.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

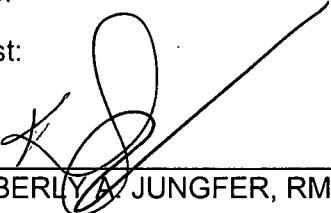
INTRODUCED: May 15, 2008

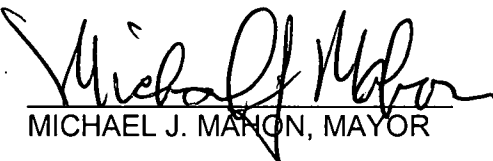
APPROVED: May 15, 2008

ADOPTED: June 5, 2008

I hereby approve the adoption of this Ordinance this 5th day of June 2008.

Attest:


KIMBERLY A. JUNGFER, RMC


MICHAEL J. MAHON, MAYOR

Ordinance # 847

An Ordinance amending Chapter 35A entitled "Fees" to create sections entitled "Athletic Facilities Use Fees.", and "Boat Ramp Use Fee."

Athletic Facilities Use Fees.

A. The following is established as the fee to be paid for the use of a Borough of Oceanport athletic facility:

Games

1. Youth Fee:
 - (a) Resident fee - \$20 per game
 - (b) Non-Resident Fee - \$40 per game
2. Non-Youth Fee:
 - (a) Resident Fee - \$25 per game
 - (b) Non-Resident Fee - \$50 per game

Practices:

1. Residents: \$ 50 per team/ 1 practice per week for 12 weeks.
2. Non-Resident: \$100 per team/ 1 practice per week for 12 weeks.

For Profit Camps

\$250.00 or \$5.00 per participant whichever is greater/per week.

B. Resident Team Rosters shall consist of 50% Oceanport residents. All other teams are to be considered Non-Resident Teams. The determination of whether a team is a resident or non-resident team, when disputed, shall be decided by the Municipal Council and confirmed by way of Resolution.

BOAT RAMP FEES

A. The following is established as the fee to be paid for the use of a Borough of Oceanport Boat Ramp at Blackberry Bay Park:

1. The Daily use fee for putting in and retrieving a boat:
 - (a) Resident fees \$ 5.00
 - (b) Non-Resident fee \$10.00
2. A seasonal use permit allowing for unlimited use by a single boat shall be:
 - (a) Resident fee \$15.00
 - (b) Non-Resident fee \$30.00

B. The use permit shall be displayed prominently by the individual using the Boat Ramp. The permit will allow the one boat assigned to the permit to use the Ramp, regardless of which vehicle is towing the boat.

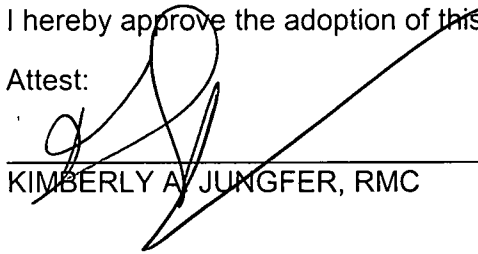
INTRODUCED: June 19, 2008

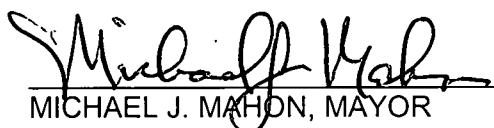
APPROVED: June 19, 2008

ADOPTED: July 17, 2008

I hereby approve the adoption of this Ordinance this _____ day of _____, 2008.

Attest:


KIMBERLY A. JUNGFER, RMC


MICHAEL J. MAHON, MAYOR

ORDINANCE # 848

AN ORDINANCE AMENDING CHAPTER 44A ENTITLED "PARKS AND PLAYGROUNDS" OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, in order to facilitate effective and orderly parking at Blackberry Bay Park for those vehicles with boat trailers utilizing the public boat ramp it is necessary to restrict parking in that area for those vehicle only.

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:

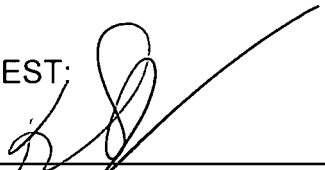
1. Section 44A-2 be amended to add section C: Parking from the Boat ramp 186 feet east and from the pavement at the edge of the Roller Hockey Rink 104 feet south shall be restricted to only those vehicles with a Boat trailer.
2. That this ordinance will take effect immediately upon passage and publication as required by law.

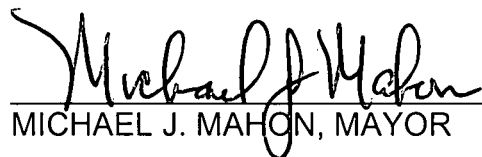
INTRODUCED: July 17, 2008

APPROVED: July 17, 2008

ADOPTED: August 8, 2008

ATTEST:


BOROUGH CLERK


MICHAEL J. MAHON, MAYOR

ORDINANCE # 849

**'AN ORDINANCE AMENDING CHAPTER 64 ENTITLED "VEHICLE AND TRAFFIC"
OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH,
NEW JERSEY**

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Oceanport that ARTICLE II Section 64-1.1 be eliminated in its entirety.

BE IT FURTHER ORDAINED, that ARTICLE III, Section 64-7 be amended to read as follows:

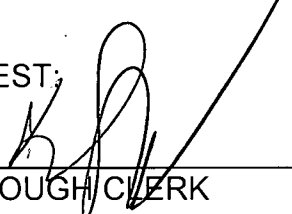
"Whenever snow has fallen and the accumulation is such that it covers the streets, no person shall be parked on the streets or parts of streets

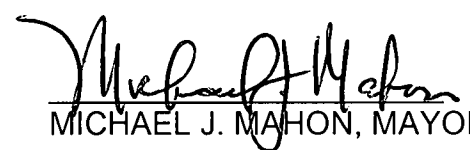
INTRODUCED: August 8, 2008

APPROVED: August 8, 2008

ADOPTED: August 21, 2008

ATTEST:


BOROUGH CLERK


MICHAEL J. MAHON, MAYOR

ORDINANCE NO. 850

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 6801 OF THE CODE OF THE BOROUGH OF OCEANPORT TO INCLUDE A NEW SECTION ENTITLED "COMMUNICATIONS TOWERS."

WHEREAS, the popularity of various forms of communication equipment, including but not limited to cellular telephones, pagers and satellite television, has created an increase in the demand for facilities for cellular communications systems, personal communications services (PCS) and specialized mobile radio transmitters (SMR) and for wireless communications towers and antennas capable of sending and receiving signals from same; and

WHEREAS, in order to maximize the usefulness of wireless telecommunications towers and antennas while minimizing any negative impact created by same, and to coordinate all antennas on as few towers as possible and to avoid any proliferation of new towers throughout the Borough, the Mayor and Council desire to regulate the location and installation of wireless communications towers and antennas within the Borough; and

WHEREAS, the purpose of this Ordinance is to establish general guidelines for the siting of wireless communications towers and antennas, and to minimize the total number of towers throughout the Borough while enhancing the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; and

WHEREAS, the Mayor and Council believe that wireless communications towers and antennas should be located on municipally owned, leased or controlled property in order to minimize the impact of same upon the Borough; and

WHEREAS, the Mayor and Council desire to allow the installation of wireless communication towers and antennas on municipally owned or controlled property, subject to regulation as hereinafter provided, and further subject to entry into a lease or leases with the Borough of Oceanport; in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A: 11-1, et seq. and the Local Lands and Buildings Law, N.J.S.A. 40A: 12-1, et seq.;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport the Revised General Ordinances of the Borough of Oceanport, entitled "Land Use Regulations," be amended as follows:

Section I 602 "Regulations Pertaining to All Districts" shall be amended to include the following subsection:

- (1) "Communications tower" shall be defined as any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term shall include the structure and any support thereof.

- (2) Applicability.

- (a) All communications towers within the Borough of Oceanport shall be subject to these regulations, except as provided in sections (b) and (c) below.

- (b) This ordinance shall not govern any tower, that is under thirty-five (35) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

- (c) Lawful, preexisting, nonconforming towers and antennas, as hereinabove described, shall be entitled to the protections and limitations available to lawful, preexisting, nonconforming structures.

- (3) Locations Permitted. A communication tower shall be a permitted conditional use in all zones within the Borough of Oceanport, subject to the following conditions:

- (a) Communication towers shall only be permitted on property owned, leased or otherwise controlled by the Borough of Oceanport.

- (b) No communication tower shall be erected or operated within the Borough except pursuant to a resolution of approval adopted by the Mayor and Council of the Borough of Oceanport and a license or lease approved by same.

- (c) No Communication tower shall be erected or operated on property owned or operated by the Board of Education or in any park or other recreation facility.

- (d) No Communication tower shall stand more than 100 feet for a single carrier, 125 feet for two carriers and 130 feet for three or more carriers.

- (e) No communication tower shall be erected or operated within a Fall Zone which shall be established such that the tower is set back 150% of the height of the tower from any adjoining lot line or non-appurtenant building.

(F) In the event any communication tower shall be abandoned or not operated for a period of one (1) year, the same may be removed, at the option of the Borough of Oceanport, at the sole expense of the operator.

Section II Inconsistent Ordinances

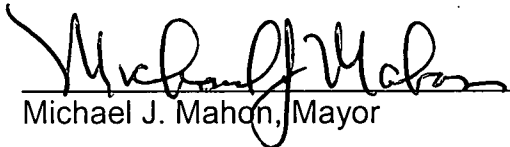
All ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

Section III Effect of Partial Invalidity

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The governing body of the Borough hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or part thereof be declared invalid or unconstitutional.

Section VI Effective Date

This Ordinance shall take effect immediately after final adoption and publication as required by law.


Michael J. Mahon, Mayor

INTRODUCED: July 17, 2008

APPROVED: July 17, 2008

ADOPTED: August 21, 2008

851

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey, as follows:

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Oceanport of a general and permanent nature adopted by the Mayor and Council of the Borough of Oceanport, as revised, codified and consolidated into chapters and sections by General, and consisting of Chapters 1 through 390, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Borough of Oceanport," hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the 1970 Code of the Borough of Oceanport and all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. When effective.

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

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Borough Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Borough of Oceanport by impressing thereon the Seal of the Borough, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Borough, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Borough of Oceanport" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Borough of Oceanport, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Borough. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Borough. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Borough of Oceanport to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Oceanport which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

The following ordinances, and any amendments thereto, are specifically repealed:

Ord. No.	Adoption Date	Subject	1970 Code Ch./Art.
11	7-6-1922	Autobus licensing	Ch. 24, Art. I
14	1-4-1923	Billposting	Ch. 21
27	2-19-1925	Autobuses stopping near intersections	Ch. 24, Art. II
101	6-3-1943	Taxicabs	Ch. 59
109	9-7-1944	Board of Assessors	Ch. 3
121	6-6-1946	Registration of criminals	Ch. 32
154	9-7-1950	Trailer and camp cars	Ch. 61
237	9-3-1964	1964 Building Code	Ch. 28, Part 2
259	12-7-1967	BOCA Building Codes	Ch. 28, Part 1
280A	8-7-1969	Lot maintenance	Ch. 43
308	3-2-1972	Parking lots and garages	Ch. 44
352	6-20-1974	Plumbing Code	Ch. 46
353	7-2-1974	Electrical standards	Ch. 34A
367	3-6-1975	Unsolicited literature	Ch. 42
391	12-2-1976	Claims approval	Ch. 12
428	4-19-1979	Fire operation zones	Ch. 36A
500	2-7-1985	Property Maintenance Code	Ch. 40
519	3-20-1986	Festival Committee	Ch. 7C
586	2-16-1989	Chief Financial Officer	Ch. 5
634	6-3-1993	Smoking in certain areas	Ch. 49B
BOH*	3-11-1927	Sewage disposal	Ch. 77
BOH*	7-27-1944	Sanitary standards	Ch. 76
BOH*	12-1-1967	Plumbing standards	Ch. 72

* Board of Health ordinance.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 6-5-2008.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Borough's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- N. Ordinance No. 778, An Ordinance Amending the Fines and Penalties For Various Municipal Offenses.

§ 1-14. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that

all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

- B. Statutory references. Throughout the Code, outdated, incorrect and obsolete statutory references have been updated to the current citation.
- C. Violations and penalties: Throughout the Code, the following penalty sections have been revised to refer to the general penalty in § 1-15 of this ordinance: §§ 84-6, 115-4, 115-11A, 115-14, 121-11, 121-19B, 127-9, 127-15, 127-21, 127-29, 140-4, 154-6, 158-12, 183-4, 210-3; 223-4, 223-13C, 223-14C, 229-8, 261-13, 267-5A, 279-4, 281-3, 284-4, 284-8, 295-38A, 301-5, 306-6, 306-10, 306-15, 306-21, 311-7, 315-10, 320-12, 325-4, 325-18, 325-23, 328-11, 331-15, 336-27A, 361-21, 371-3, 384-3A, 390-27A(4)(b)[6] and 390-60.
- D. Nomenclature. Throughout the Code, any references to the following agencies or officials are updated as indicated:
- (1) "Building Inspector" and "Building Official" to "Construction Official."
 - (2) "Magistrate" to "Judge."
 - (3) "PortauPeck," "Port-au-peck," and similar variations to "Port-Au-Peck," except as cited in specific map titles in Ch. A450.
 - (4) "Zoning Board of Adjustment" to "Planning Board" (except in those sections of Ch. 390, Zoning, where the context requires retention of "Zoning Board of Adjustment").
- E. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

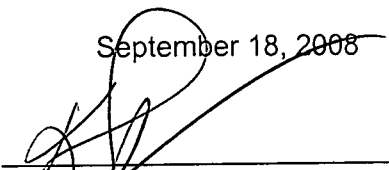
§ 1-15. General penalty.

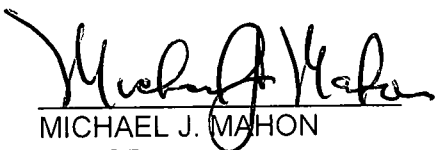
Unless otherwise provided by law, any person, firm or corporation who violates any provision of this Code or any other ordinance of the Borough where no specific penalty is provided shall, upon conviction, be subject to one or more of the following: a fine not exceeding \$2,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

INTRODUCED: September 4, 2008

APPROVED: September 4, 2008

ADOPTED: September 18, 2008

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 852

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 103 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "VOLUNTEER INCENTIVES"

SECTION 1. BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that Chapter 103 Article 1 Section 103.1 "'DEFINITIONS" is hereby amended to include the following

MILITARY: Individuals who are active duty or retired from all branches of the United States military.

FAMILY: An active member or military, his or her spouse and all natural or adopted children under 21 years of age who are unmarried and permanently occupying the same residence in the Borough of Oceanport as the active member or Military.

SECTION 2. BE IT FURTHER ORDAINED that any reference to Active member in Article 1 shall be amended to read Active Member or Military.

SECTION 3. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 4. INCONSISTENT ORDINANCES

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

SECTION 5. 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 this Ordinance shall be deemed valid and effective.

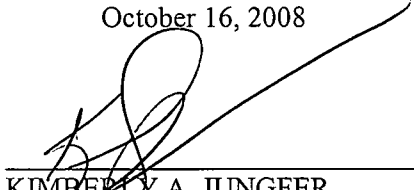
SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

INTRODUCED: October 2, 2008

APPROVED: October 2, 2008

ADOPTED: October 16, 2008

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

853

ORDINANCE REAPPROPRIATING \$27,200.00 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE OUTFITTING OF TRAILERS FOR USE BY THE BOROUGH POLICE AND BUILDING DEPARTMENTS AND RECONFIGURATION OF EXISTING MUNICIPAL SPACES IN AND 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 THERE OF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$27,200.00 of the proceeds of obligations originally made available for the acquisition of the Fire Department exhaust system, including all cost, equipment, improvements, appurtenances and materials related thereto and /or necessary therefore, pursuant to Section 3 (1) of Bond Ordinance No 810 of the Borough of Oceanport, in the County of Monmouth, New Jersey (the "Borough"), finally adopted April 20, 2006, is not longer necessary for the purpose for which the obligations previously were authorized.

Section 2. The \$27,200.00 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby re-appropriated to provide for the outfitting of trailers for use by the Borough Police and Building Departments and reconfiguration of existing municipal spaces.

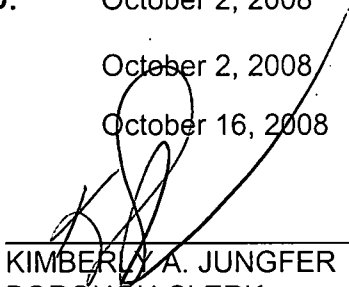
Section 3. The capital budget of the Borough is hereby amended to conform with the provision of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

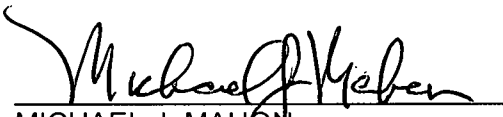
Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED: October 2, 2008

APPROVED: October 2, 2008

ADOPTED: October 16, 2008

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 854

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 328 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "STORMWATER CONTROL

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that following sections of Chapter 328 be amended as follows:

328-2 Definitions:

Major Development changed in its entirety to the following:

Any development that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and /or movement of soil or bedrock or clearing, cutting or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development".

REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

INCONSISTENT ORDINANCES

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

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 this Ordinance shall be deemed valid and effective.

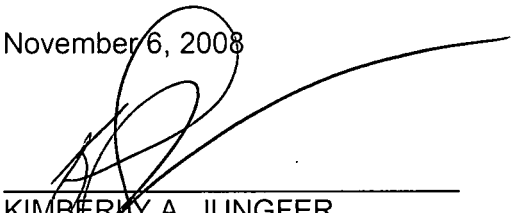
EFFECTIVE DATE

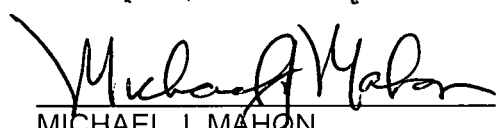
This Ordinance shall take effect upon its passage and publication according to law.

Introduced: October 16, 2008

Approved: October 16, 2008

Adopted: November 6, 2008

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 855

AN ORDINANCE OF THE BOROUGH OF OCEANPORT AMENDING CHAPTER 35, CONTRACTS, PUBLIC, OF THE CODE OF THE BOROUGH OF OCEANPORT, REQUIRING COMPETITIVE NEGOTIATIONS FOR PROFESSIONAL SERVICES

WHEREAS the Borough of Oceanport has a strong commitment to transparency and fairness in the process of soliciting professional services; and

WHEREAS, through the establishment of criteria for decision-making in the appointment process, the Borough can ensure the fairness and transparency of this process; and

WHEREAS the Mayor and Council have found and determined that the paramount public interest is served by requiring that the Borough award all contracts or agreements on the basis of competitive negotiation;

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

Section 1. §35-6 shall read:

Short Title: Professional Service Contracts

Section 2. §35-7 shall read:

Definitions:

- a. "Professional Services" for purpose of this ordinance shall mean services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction, apprenticeship and training. See N.J.S.A. 40A:11-2(6). For purposes of this ordinance, however, professional services shall not include professional artistic services as defined in N.J.S.A. 40A:11-2(6). Professional services shall include financial and/or insurance services.

Section 3. §35-8 shall read:

General Provisions

- a. The Borough shall award all contracts or agreements for the provision of professional services on the basis of qualification-based, competitive negotiation.
- b. The Borough shall solicit Requests for Qualifications ("RFQs") annually.
- c. The Council may direct the Borough Clerk to solicit RFQs no later than the 15th of November each year.
- d. Professional Service contract RFQs shall be published by the posting of a public notice at least ten days prior to the awarding of said contract.

- e. The public notice shall be :
 - i. Prominently posted in the public place reserved for Sunshine Law notices;
 - ii. Mailed, telephoned, faxed, or hand delivered to at least two newspapers designated to receive such notices because they have the greatest likelihood of informing the public within the Borough, one of which shall be the Link News, the official newspaper of the Borough.
 - iii. Posted on the official Borough website: www.oceanportboro.com.
 - iv. Filed with the Borough Clerk.
- f. The public notice shall, at a minimum, include:
 - i. a description of the professional services needed, including, where appropriate, a description of tasks involved.
 - ii. Threshold qualification requirements setting the minimum standards for qualifying to compete for the particular services and tasks involved.
 - iii. Notice that the submission requirements and selection criteria are on file and available in the office of the Borough Clerk.
 - iv. Deadline and place for all submissions.
- g. Standardized submission requirements shall include:
 - i. Names, qualifications and roles of the individuals who will perform the task and, where appropriate, a description of their experience with projects similar to the matter being advertised.
 - ii. References and, where appropriate, record of success.
 - iii. Description of ability to provide the services in a timely fashion, including staffing familiarity and location of key staff.
 - iv. Cost details, including hourly rates of each individual or group of individuals who will perform services and, where appropriate, estimates of time to be spent on the contract, anticipated expenses and total cost of "not to exceed" amount.
- h. All submissions shall be kept on file during the term of the related contract and shall be public record upon the opening of all submissions.
- i. In the event that compliance with part or all of the requirements of this ordinance is impracticable as regards a particular contract or agreement, the Borough Council may waive part or all of the requirements by a majority vote of the full council together with publication of a resolution setting forth with specificity the reasons such waiver is required.

- j. All candidates for appointment, having been confirmed by the Council shall be subject to applicable provisions of State statute regarding the Fair or Non-Fair and Open Process.
- k. The Borough reserves the right to disqualify any submission on the basis of a prior negative experience as defined in N.J.S.A. 40A:11-4.

Section 4. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 3. INCONSISTENT ORDINANCES

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

Section 4. 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 this Ordinance shall be deemed valid and effective.

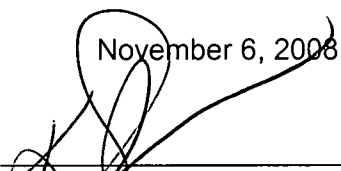
Section 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

INTRODUCED: October 16, 2008

APPROVED: October 16, 2008

ADOPTED: November 6, 2008

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 855A

AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING OCEANPORT BOROUGH'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

BE IT ORDAINED by the Council Members of Oceanport Borough in the County of Monmouth and State of New Jersey that the following amendments be made to Chapter 390 of Oceanport Borough's municipal code:

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Oceanport Borough's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Oceanport Borough.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Oceanport Borough to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Oceanport Borough.
- B. Subject to the approval of the Council on Affordable Housing (COAH) or the Court, the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Oceanport Borough, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
 - (1) Serving as Oceanport Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in Oceanport Borough's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;

- (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Oceanport Borough.
- D. Subject to approval by COAH or the Court, Oceanport Borough may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Oceanport Borough, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Oceanport Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison. Only the five required responsibilities outlined in C. above will be handled by Oceanport Borough's Municipal Housing Liaison. All other duties will be delegated to an approved Administrative Agent.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

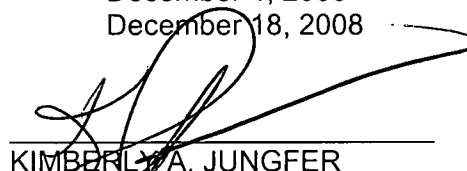
All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

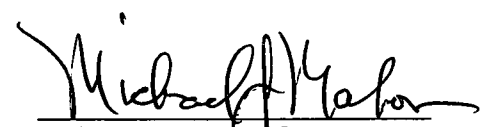
Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

INTRODUCED: December 4, 2008
APPROVED: December 4, 2008
ADOPTED: December 18, 2008

ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE #856

**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, 2009 unless otherwise stated, be and the same is hereby amended to read as follows:

PUBLIC WORKS

General Foreman

\$50,000. - \$65,000.

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

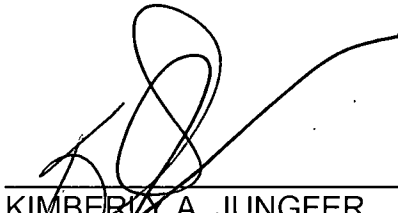
SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

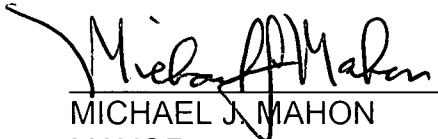
INTRODUCED: January 15, 2009

APPROVED: January 15, 2009

ADOPTED: February 5, 2009

ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

**DEVELOPMENT FEE ORDINANCE #857
BOROUGH OF OCEANPORT**

1. Purpose

- (a) In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the rules adopted by the New Jersey Council on Affordable Housing's (COAH).
- (b) Pursuant to P.L. 2008, c. 46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.
- (c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic Requirements

- (a) The Borough of Oceanport shall not impose development fees on any applicant pursuant to this ordinance until COAH or a Court has approved the Development Fee Ordinance pursuant to N.J.A.C. 5:96-5.1.
- (b) The Borough of Oceanport shall not spend development fees until COAH or a Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- (a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project, or a 100 percent affordable development.
 - ii. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the State.
 - iii. "Development fee" means money paid by a developer for the improvement of property as permitted under N.J.A.C. 5:97-8.3.
 - iv. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 - v. "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property

is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c.123 (C. 54:1-35a through C. 54:1-35c).

- vi. "Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. Residential Development Fees

(a) Imposed Fees

- i. Within the Borough of Oceanport zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development, provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six (6) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base 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 variance application.

(b) Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- iii. Any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure before the improvement or repair is started. For the purpose of this section, "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 an 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 the 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.

- iv. Structural alterations that do not increase gross floor area of a building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.
- v. Nonprofit organizations constructing residential projects which have received tax exempt status pursuant to Section 501(c)(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, shall be exempted from paying a development fee.
- vi. Federal, state, county and local governments shall be exempted from paying a development fee.
- vii. Residential reconstruction projects resulting from fire, flood, or natural disaster.

5. Non-Residential Development Fees

(a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly-improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

(b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential

development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Oceanport as a lien against the real property of the owner.
- vi. Federal, state, county and local governments constructing non-residential housing shall be exempted from paying a development fee.

6. Collection procedure

- (a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the Borough's Construction Official responsible for the issuance of a building permit.
- (b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (g) Should the Borough of Oceanport fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- (h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees

- 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Oceanport. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Oceanport. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing Trust Fund

- (a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Borough's Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. Payments in lieu of on-site construction of affordable units;
 2. Developer-contributed funds to make ten percent (10%) of the affordable entrances in a townhouse or other multistory attached development accessible;
 3. Rental income from municipally-operated units;
 4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with the Borough of Oceanport's affordable housing program.
- (c) Within seven days from the opening of the trust fund account, the Borough of Oceanport shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the Borough's banking institution, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- (c) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH or the Court. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or the Court.

8. Use of Funds

- (a) The expenditure of all funds shall conform to a spending plan approved by COAH or the Court. Funds deposited in the housing trust fund may be used for any activity approved by COAH or the Court to address the Borough of Oceanport's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of

existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- (b) Funds shall not be expended to reimburse the Borough of Oceanport for past housing activities.
- (c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Borough of Oceanport to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (d) The Borough of Oceanport may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- (e) No more than 20 percent of all revenues collected from development fees, maybe expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. 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. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- (a) The Borough of Oceanport shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Oceanport's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing Collection of Fees

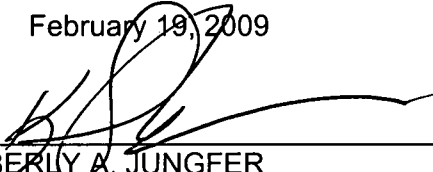
- (a) The ability of the Borough of Oceanport to impose, collect and expend development fees shall expire with its judgment of compliance unless the Borough of Oceanport has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned COAH for substantive certification, or brought a declaratory relief action in Court pursuant to N.J.S.A. 52:27D-313 and has received approval of its development fee ordinance by COAH or a Court. If the Borough of Oceanport fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (C.52:27D-320). The Borough of Oceanport shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Borough of Oceanport retroactively impose a development fee on such a development. The Borough of Oceanport shall not expend development fees after the expiration of its judgment of compliance.

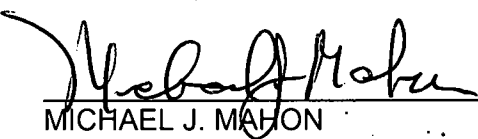
NOW, THEREFORE, BE IT ORDAINED, by the Borough Council and the Borough of Oceanport, this Ordinance shall become effective upon final passage and publication as provided by law.

INTRODUCED: February 5, 2009

APPROVED: February 5, 2009

ADOPTED: February 19, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#858

AN ORDINANCE PROVIDING FOR INSTALLATION OF NEW HEATING,
VENTILATION AND AIR CONDITIONING SYSTEMS IN AND BY
THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH,
NEW JERSEY, APPROPRIATING \$20,000 THEREFORE

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

SECTION I. The improvement described in Section II of this Ordinance is hereby authorized to be undertaken by the Borough of Oceanport as a general improvement. For the improvement described in Section II, there is hereby appropriated the sum of \$20,000.00 from the Capital Improvement Fund of the Borough of Oceanport.

SECTION II. The improvement hereby authorized is as follows:

Installation of New Heating, Ventilation and Air	
Air Conditioning Systems	\$20,000.00

SECTION III. The estimated cost of the improvement is equal to the amount of the appropriation herein made therefore.

SECTION IV. It is hereby determined and stated that the sum of \$20,000.00 appropriated from the Capital Improvement Fund is now available for said costs and the sum is hereby appropriated from such moneys to defray the expense of the improvement.

SECTION V. The following additional matters are hereby determined, declared, recited and stated:

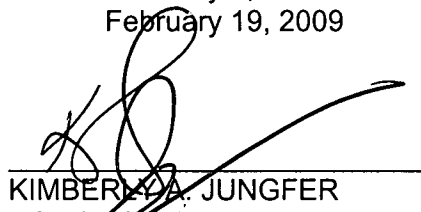
(a) The improvement described in Section II of this Ordinance is not a current expense. It is an improvement that the Borough may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specifically assessed on property especially benefited thereby.

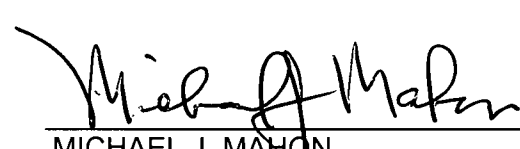
(b) The period of usefulness of the improvement, according to the reasonable life thereof, is fifteen (15) years.

SECTION VI. This ordinance shall take effect upon passage and publication pursuant to New Jersey State Law.

INTRODUCED: February 5, 2009
APPROVED: February 5, 2009
ADOPTED: February 19, 2009

ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

Ordinance #859

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 284 , PEACE AND
GOOD ORDER 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 284, Article 1 Section 18 be amended as follows:

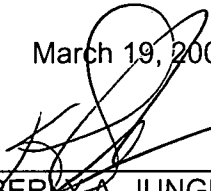
Remove: intoxicated or drunk.

Section 18 will now read Be disorderly in any public omnibus, street,
highway, thoroughfare or on any sidewalk or in any private house, boardinghouse,
store, restaurant or other quasi-public or public place, to the annoyance of any person.

INTRODUCED: March 5, 2009

APPROVED: March 5, 2009

ADOPTED: March 19, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE #860

**AN ORDINANCE SETTING FORTH AND ADOPTING AMENDMENTS TO CHAPTER
279 SECTION 8, SCHEDULING PROCEDURES, EXEMPTING CERTAIN
RECREATIONAL
SPORTS GROUPS FROM FEE REQUIRMENTS.**

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

I.

The purpose of this Ordinance is to amend Chapter 279 Section 8 "Scheduling procedures" to include recreational groups with up to five (5) out of town members to participate as full members of the Oceanport Recreational Program. As full members of the Recreation Program these groups will be exempt from fees for athletic facilities use. The amended ordinance shall read as follows:

§279-8 Scheduling procedures

G. The Borough of Oceanport hereby recognizes **those entities** charged with the responsibility to plan, promote and organize specific recreational programs within the Borough for the Borough and its residents and individuals allowed to participate in such recreational programs. **Among those entities that may participate in the Oceanport Recreation Program are those entities that have up to five (5) out of town members. The entities listed below, including those with the permitted number of out of town members, are exempt from fees for athletic facilities use. This exemption does not supersede the requirements contained in §204-11(B) regarding the percentage requirements for resident team rosters.**

- (1) Oceanport Baseball Association
- (2) Oceanport Basketball Association
- (3) Oceanport Roller Hockey Association
- (4) Oceanport Soccer Association
- (5) **Oceanport Adult/Over 40 Baseball**
- (6) **Oceanport Firemen's Softball**

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

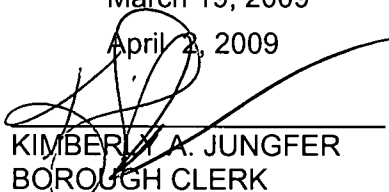
BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: March 19, 2009

APPROVED: March 19, 2009

ADOPTED: April 2, 2009

73577_1
ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 861

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ZONING"

ARTICLE VI: SUPPLEMENTARY USE REGULATIONS: BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that Chapter 390 Article VI: Section 390-27 "SIGNS" is hereby amended to include the following:

(4) Lease, Sale or Open House Signs:

(a) Temporary signs pertaining to the lease or sale of the same lot or building on which it is placed, provided that the above signs shall not exceed eight square feet in area, shall not be illuminated and shall not project beyond the property lines. All temporary signs shall be removed within 180 days from the date installed. In no case shall real estate signs indicate property sold, **foreclosed or bank owned**.

(b) In addition to the signs permitted under Subsection A(4)(a) of this section, there shall also be permitted **three** temporary signs advertising an open house in connection with the sale of any residential dwelling, subject to the following restrictions:

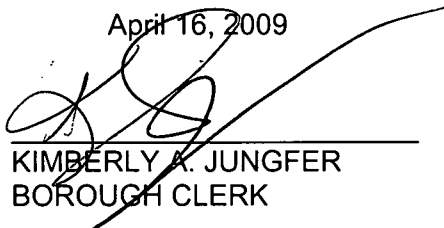
1. One sign only shall be placed on the lot or building being sold and **two** directional signs may be placed off site. **Directional signs may be placed in the public right of way barring they do not block a site triangle**, but shall not be placed on private property owned by another person without the owner's written permission.

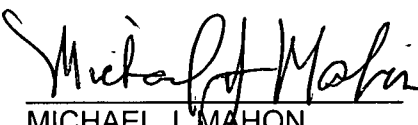
2. The signs hereby authorized shall not be larger than 18 inches by 24 inches, and the top of each such sign shall not be higher than 42 inches above the ground, **which includes anything tied to the sign such as balloons or other materials that could obstruct views for traffic safety**. If the open house is being conducted by a real estate licensee **all** signs shall contain the name, business office address and telephone number of such real estate licensee.

INTRODUCED: March 5, 2009

APPROVED: March 5, 2009

ADOPTED: April 16, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE #862
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES OF CERTAIN BOROUGH OFFICIALS"

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 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, 2009 unless otherwise stated, be and the same is hereby amended to read as follows:

ADMINISTRATIVE AND EXECUTIVE:

Borough Administrator	\$10,000. – \$90,000.
Borough Clerk	\$50,000. – \$80,000.
Deputy Borough Clerk	\$36,000. – \$50,000.
Planning Board Secretary	\$ 2,000. – \$ 5,500.

COLLECTION OF TAXES

Tax Collector	\$10,000. – \$65,000.
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MUNICIPAL COURT

Court Administrator	\$30,000. – \$65,000.
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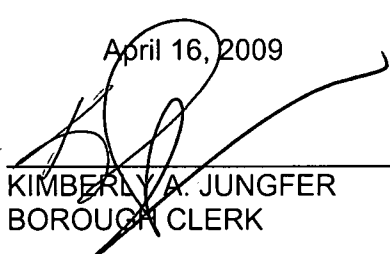
SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

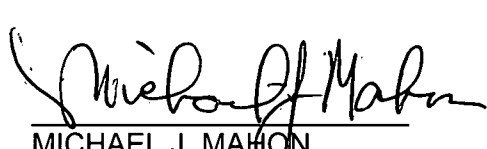
SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

INTRODUCED: March 5, 2009

APPROVED: March 5, 2009

ADOPTED: April 16, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 863

**AN ORDINANCE OF THE BOROUGH OF OCEANPORT,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS
AND RELATED EXPENSES FOR THE BOROUGH OF
OCEANPORT AND APPROPRIATING \$626,000
THEREFOR (INCLUDING A GRANT IN THE AMOUNT
OF \$160,000 EXPECTED TO BE RECEIVED FROM THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION
AND A COMMUNITY DEVELOPMENT BLOCK GRANT
IN THE AMOUNT OF \$180,240) AND PROVIDING FOR
THE ISSUANCE OF \$271,472 IN GENERAL
IMPROVEMENT BONDS OR NOTES OF THE BOROUGH
OF OCEANPORT TO FINANCE THE SAME.**

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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Oceanport, in the County of Monmouth, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$626,000 (including a grant in the amount of \$160,000 expected to be received from the New Jersey Department of Transportation and a Community Development Block Grant in the amount of \$180,240) including the aggregate sum of \$14,288 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$271,472 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1) Purpose: Improvements to various Borough buildings and removal of underground storage tanks in the Borough, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$65,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$61,750
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 3,250

- (2) Purpose: Borough wide 2009 Road Improvement Program, and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$561,000
<u>Total expected grants</u>	\$340,240
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$209,722
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 11,038

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.1373 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared 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. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$271,472 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$85,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several purposes or improvements.

(e) The Borough reasonably expects to commence acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than the grant in the amount of \$160,000 expected to be received from the New Jersey Department of Transportation and the Community Development Block Grant in the amount of \$180,240, which shall be applied to direct payment of the cost of the improvements) shall be applied either to direct payment of the costs of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with

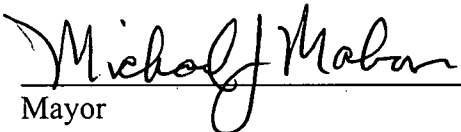
the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is hereby approved.

Date:

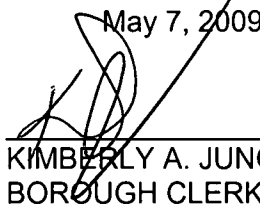


Mayor

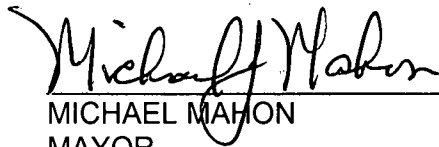
INTRODUCED: April 16, 2009

APPROVED: April 16, 2009

ADOPTED: May 7, 2009

ATTEST: 

KIMBERLY A. JUNGFER
BOROUGH CLERK



MICHAEL MAHON
MAYOR

ORDINANCE # 864
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 2009 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 \$54,867.36 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 2009 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 \$192,035.76 and the CY 2009 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

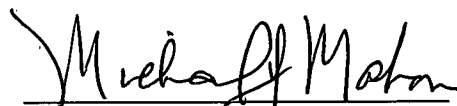
BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

INTRODUCED: April 16, 2009

APPROVED: April 16, 2009

ADOPTED: May 7, 2009

ATTEST:
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE #865
AN ORDINANCE SETTING FORTH AND ADOPTING
AMENDMENTS TO CHAPTER 64 SECTION 52, VEHICLES
AND TRAFFIC, OF THE CODE OF THE BOROUGH
OF OCEANPORT REDUCING THE SPEED LIMIT ON EAST
MAIN STREET FROM 30 MPH TO 25 MPH.

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

I.

The purpose of this Ordinance is to amend Chapter 64 Section 52 "vehicles and traffic" to reduce the speed limit on East Main Street, which includes the entire length from the intersection of Main Street and Oceanport Avenue to Port-Au-Peck Avenue, from 30 mph to 25mph. The amended ordinance shall read as follows:

§64-52 Schedules XIX: Speed Limits

Name of Street	Speed Limit (MPH)	Location
Crescent Place	35	Entire length
East Main Street	25	Entire length from the intersection of Main Street and Oceanport Avenue to Port-Au-Peck Avenue
Main Street	35	Entire length
Port-Au-Peck Avenue	25	From Branchport Avenue to Pocono Avenue
Port-Au-Peck Avenue	40	From Wolfhill Avenue to Branchport Avenue from October 1 through April 30
Port-Au-Peck Avenue	30	From Wolfhill avenue to Branchport Avenue from May 1 through September 30

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

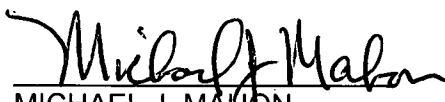
BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: May 7, 2009

APPROVED: May 7, 2009

ADOPTED: May 21, 2009

ATTEST:
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 866

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION, REPAIR, REHABILITATION, MAINTENANCE AND RECONSTRUCTION OF STORMWATER BASINS AT MONMOUTH PARK RACE TRACK IN THE BOROUGH OF OCEANPORT AND APPROPRIATING \$25,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$25,000,000 IN BONDS OR NOTES OF THE BOROUGH OF OCEANPORT TO FINANCE THE SAME, AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF

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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Oceanport, in the County of Monmouth, New Jersey (the "Borough") as a local improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$25,000,000. No down payment is required as this bond ordinance involves a project funded by State grants or other similar programs, within the meaning of N.J.S.A. 40A:2-11(c).

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$25,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are the construction of a stormwater basin (Elkwood Basin) at the Monmouth Park Race Track in the Borough, including an outlet structure, a pumping station, stormwater lifting station, associated underground utility lines and manholes and a directional drill and the repair, rehabilitation, maintenance and reconstruction activities associated with an existing stormwater management basin (Infield Basin) at the Monmouth Park Race Track in the Borough, and the maintenance of a drainage swale thereon, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest

from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Notice is hereby given to the owner of all lots and parcels of real estate benefited by the improvement described in Section 3 hereof and affected by the improvement described therein that the Borough of Oceanport intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$25,000,000. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the Borough will contribute none of the final costs of the improvement.

Section 7. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment (or such later date as may be agreed to by the Borough and the owner), and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Borough and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Borough shall have the right to waive default as may be permitted by law.

Section 8. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a local improvement, the cost of which shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the 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. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$25,000,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$7,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefited by the improvement is twenty (20).

(f) The Borough reasonably expects that it or the New Jersey Sports and Exposition Authority will commence the purpose described in Section 3 hereof, and advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 9. Any grant moneys or contributions from developers or otherwise, 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. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 10. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. The Borough Council of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. After passage upon first reading of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least ten days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Borough Clerk is further directed to

mail a copy of the ordinance together with notice of the introduction thereof to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, so far as the same may be ascertained, directed to his last known post-office address. The Borough Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b), 40:49-2 and 40:49-6 regarding postings, publications, mailing and the provision of copies of this bond ordinance.

Section 13. After final adoption of this bond ordinance by the Borough Council, the Borough Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 14. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

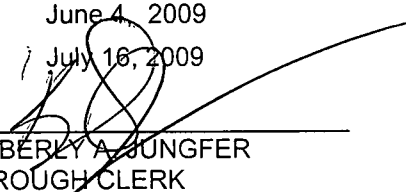
Section 15. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 13 hereof and the Local Bond Law.

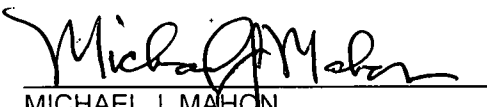
The foregoing ordinance is hereby approved.

INTRODUCED: June 4, 2009

APPROVED: June 4, 2009

ADOPTED: July 16, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#867

**ORDINANCE SETTING FORTH AND ADOPTING AMENDMENTS TO CHAPTER 78
SECTION 2 OF THE CODE OF THE BOROUGH OF OCEANPORT.**

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

I.

The purpose of this ordinance is to amend Chapter 78 Section 2 "Appropriate Authority" to expand the authority responsible for the performance of the Police Department. The amended ordinance shall read as follows:

§78-2 Appropriate Authority

The Borough Council or its designee (a designated committee thereof or Borough Administrator) 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 Borough Council 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)

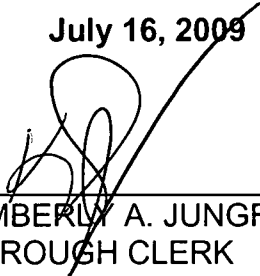
BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

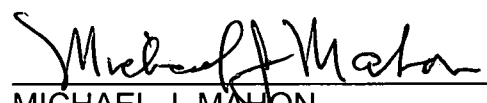
BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: June 18, 2009

APPROVED: June 18, 2009

ADOPTED: July 16, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE #868

ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF OCEANPORT, NEW JERSEY OF PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2009 (SHORE REGIONAL SCHOOL DISTRICT PROJECT), OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

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

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Borough of Oceanport, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2009 (Shore Regional School District Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled, "Capital Equipment Lease Revenue Bond Resolution (Shore Regional School District Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Board of Education of the Shore Regional School District (the "Board") pursuant to a lease and agreement to be entered into by the Authority and the Board (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board's equipment which will be subject to the Lease and to pay the Board's share of the costs of issuance, but in no event shall such principal amount exceed \$425,000, of which the Municipality will guarantee 25.93% or not to exceed \$110,204.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond Law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond Law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

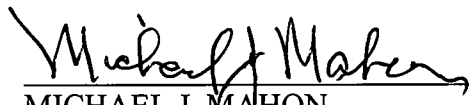
Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

INTRODUCED: June 18, 2009

APPROVED: June 18, 2009

ADOPTED: July 16, 2009

ATTEST:
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 869

AN ORDINANCE VACATING A CERTAIN PORTION OF THE
RIGHT-OF-WAY OF HIAWATHA AVENUE AND MOHAWK AVENUE IN THE BOROUGH OF
OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.

WHEREAS, there exists a certain municipal right-of-way within the Borough of Oceanport contiguous to 18 Bayview Place; and

WHEREAS, the owner of certain property located on 18 Bayview Place in the Borough of Oceanport, more commonly known and designated as Lot 1, Block 69 on the Borough of Oceanport Tax Map, has requested that the Borough vacate a portion of the municipal right-of-way adjacent to Bayview Place which is located on and across their property; and

WHEREAS, the area of the right-of-way to be vacated is more particularly described in a Legal Description prepared by Maser Consulting, P.A., dated February 14, 2006 and last revised on February 3, 2009, entitled "Land Dedication, Part of Hiawatha Avenue and Mohawk Avenue to Lot 1, Block 69", which is attached hereto and made a part hereof as Exhibit A and further depicted in the Plan entitled, "Right of Way Vacation Plan for Brian and Maureen Cullen"; and

WHEREAS, the Borough Council of the Borough of Oceanport is of the opinion that the said right-of-way is no longer needed for any public purposes; and

WHEREAS, the Borough Council believes that the interests of the Borough of Oceanport would be best served by vacating and extinguishing all public rights and interests in and to the aforesaid right-of-way.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Borough Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, as follows:

1. That the Borough of Oceanport hereby vacates, extinguishes, releases and abandons all public rights and interests in and to a portion of Hiawatha and Mohawk Avenue, a municipal right-of-way adjacent to 18 Bayview Place in the Borough of Oceanport and located contiguous to the property known and designated as Lot 1, Block 69 on the Borough of Oceanport Tax Map, as more particularly described in a Legal Description prepared by Maser Consulting, P.A., dated February 14, 2006 and last revised on February 3, 2009, entitled "Land Dedication, Part of Hiawatha Avenue and Mohawk Avenue to Lot 1, Block 69", at Exhibit A

2. That the provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by any public utility company (as defined in *N.J.S.A. 48:2-13*), or by any cable television company (as defined in *N.J.S.A. 48:5A-1, et seq.*), to maintain, repair, and replace any existing facilities in, adjacent to, over, or under the said vacated area.

3. That, following passage of this Ordinance, a copy thereof shall be recorded in the Office of the Monmouth County Clerk in the Book of "Vacations", in accordance with *N.J.S.A. 40:67-21*.

4. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

5. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

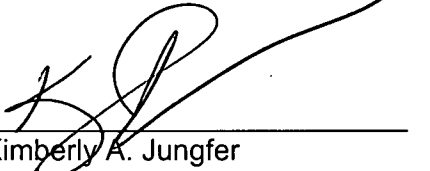
6. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

INTRODUCED: July 16, 2009

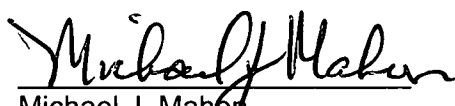
APPROVED: July 16, 2009

ADOPTED: August 20, 2009

Attest:



Kimberly A. Jungfer
BOROUGH CLERK



Michael J. Mahon
MAYOR

Consulting, Municipal & Environmental Engineers
Planners • Surveyors • Landscape Architects**DESCRIPTION OF PROPERTY
BOROUGH OF OCEANPORT
MONMOUTH COUNTY, NEW JERSEY****LAND DEDICATION
PART OF HIAWATHA AVENUE
& MOHAWK AVENUE TO
LOT 1, BLOCK 69
PROJECT NO. 04-0146A
FEBRUARY 14, 2006
REVISED FEBRUARY 3, 2009**

All that certain lot, tract or parcel of land situate, lying and being in the Borough of Oceanport, in the County of Monmouth and the State of New Jersey, and being lands dedicated to Lot 1, Block 69, the same being a portion of Hiawatha Avenue (50' R.O.W.) and Mohawk Avenue (50' R.O.W.) as shown on a map entitled: "Right of Way Vacation Plan, for, Brian and Maureen Cullen, Lot 1, Block 69, Borough of Oceanport, Monmouth County, New Jersey", dated February 14, 2006 and revised through February 3, 2009, the same also being a part of Hiawatha Avenue and Mohawk Avenue as shown on sheet number 10 of the Official Tax Map of the Borough of Oceanport and being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the northerly line of Hiawatha Avenue, (50' R.O.W.), said line being distant **25.00 feet** measured northwardly from and at right angles to the centerline thereof, said point being the following bearing and distance measured from the intersection of the westerly line of Bay View Place (50' R.O.W.) said line being distant **25.00 feet** measured westwardly from and at right angles to the centerline thereof with the said northerly line of Haiwatha Avenue,
a.) **N 80° 05' 59" W, 209.18 feet**, and running, thence –

1. **S 32° 56' 13" E, 9.98 feet** through a portion of the aforesaid Hiawatha Avenue, to an angle point in the same, thence –
2. **S 53° 07' 19" W, 10.78 feet** still through a portion of the aforesaid Hiawatha Avenue, to a point in the southwesterly line of an existing bulkhead, thence –
3. **N 32° 56' 13" W, 26.08 feet** along the aforesaid southwesterly line of an existing bulkhead, to a point in the northwesterly line of the same, thence –
4. **N 59° 03' 57" E, 10.76 feet** along the aforesaid northwesterly line of an exist bulkhead and through a portion of the aforesaid Mohawk Avenue, to a point in the same, thence –
5. **S 32° 56' 13" E, 7.74 feet** through a portion of the aforesaid Mohawk Avenue, to a point in the northwesterly line of Lot 1, Block 69, said lot as shown on the aforesaid access easement plan, thence –
6. **S 57° 37' 01" W, 7.89 feet** along the aforesaid northwesterly line of Lot 1, Block 69, to a point in the southerly line of the same, thence –



**DESCRIPTION OF PROPERTY
BOROUGH OF OCEANPORT
MONMOUTH COUNTY, NEW JERSEY**

**LAND DEDICATION:
PART OF HIAWATHA AVENUE
& MOHAWK AVENUE TO
LOT 1, BLOCK 69
PROJECT NO. 04-0146A
FEBRUARY 14, 2006
REVISED FEBRUARY 3, 2009**

7. S 80° 05' 59" E, 10.75 feet along the aforesaid southerly line of Lot 1, Block 69, to the Point and Place of **BEGINNING**.

CONTAINING: 245.9 square feet of land more or less.

The foregoing description was prepared by the undersigned surveyor for the firm of Maser Consulting P.A. and is based the aforesaid Right of Way Vacation Plan, dated February 14, 2006 and revised through February 3, 2009.

LEONARDO E. PONZIO, P.L.S.
NEW JERSEY PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 39402

DATE SIGNED

Exhibit B

GENERAL NOTES

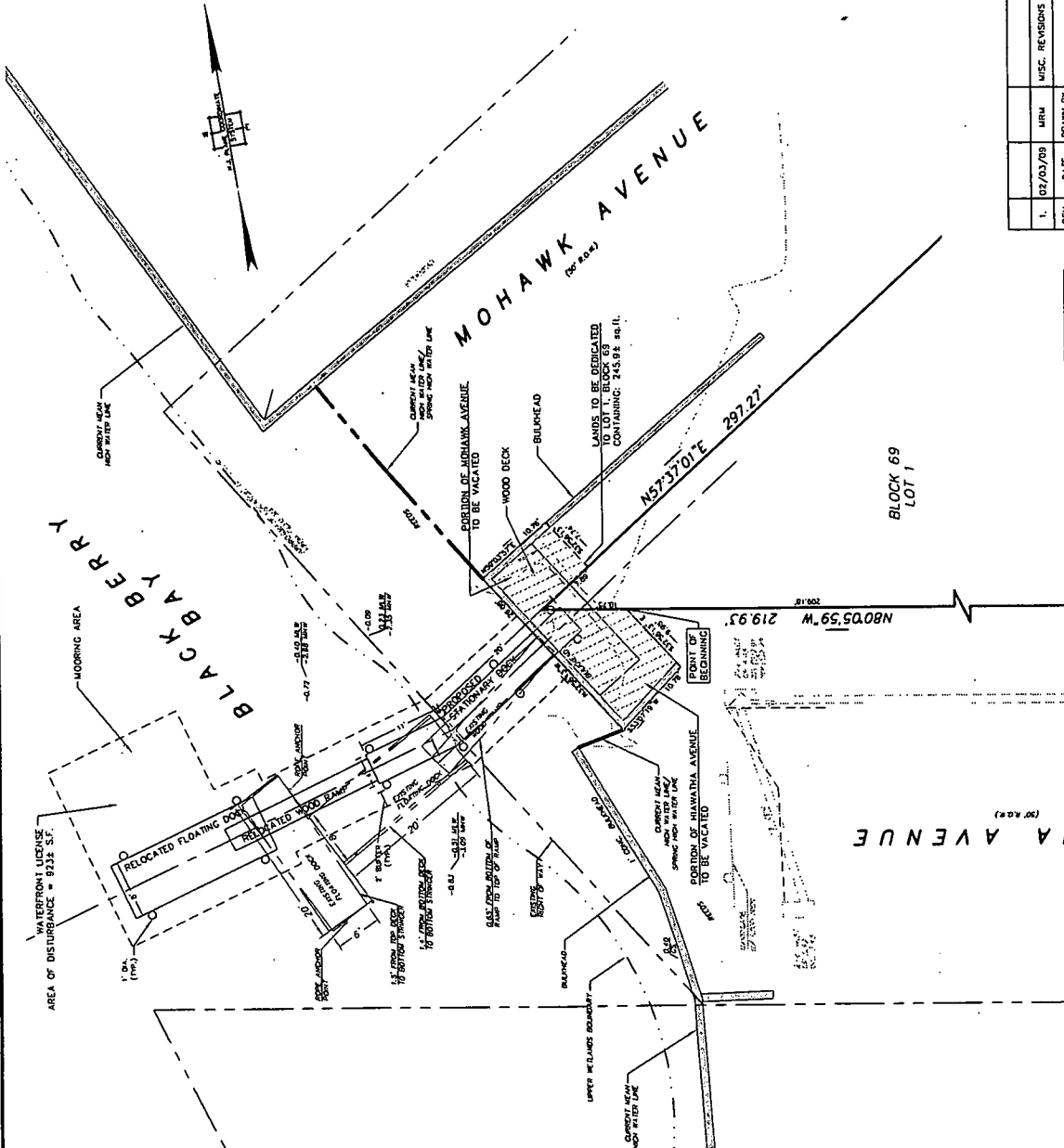
1. MAP REFERENCES:
a. A MAP ENTITLED: "TOPOGRAPHIC SURVEY, FOR, BRIAN AND MAUREEN CULLEN, LOT 1, BLOCK 69, TOWNSHIP OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY," DATED MARCH 19, 2004, PREPARED BY MASER CONSULTING P.A.
b. A MAP ENTITLED: "NAUTIC DOCK PERMIT PLAN, FOR BRIAN AND MAUREEN CULLEN, LOT 1, BLOCK 69, TOWNSHIP OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY," DATED MARCH 19, 2004 AND REVISED THROUGH AUGUST 26, 2005, PREPARED BY MASER CONSULTING P.A.
2. THE ELEVATIONS SHOWN HEREON ARE RELATIVE TO N.C.T.S. 1985 ADJUSTMENT, TIDAL DATUM (8551925 OCEANPORT, SHREWSBURY RIVER) NATIONAL TIDAL DATUM EPOCH (1980-1978)

REV.	DATE	BY	DESCRIPTION
1.	02/03/09	MRM	WISC. REVISIONS

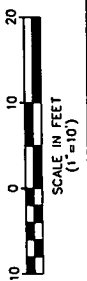
MASER CONSULTING P.A. 331 Newman Springs Road Suite 203 Red Bank, N.J. 07701 Phone (732) 383-1950 Fax (732) 383-1994 E-mail: solutions@maserconsulting.com State of N.J. Certificate of Authorization: 2404795560		RED BANK OFFICE 331 Newman Springs Road Suite 203 Red Bank, N.J. 07701 Phone (732) 383-1950 Fax (732) 383-1994 E-mail: solutions@maserconsulting.com
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RIGHT OF WAY VACATION PLAN FOR BRIAN AND MAUREEN CULLEN LOT 1 BLOCK 69 BOROUGH OF OCEANPORT MONMOUTH COUNTY NEW JERSEY	DATE: FEB. 14, 2005 LATEST REVISION: SCALE: 1"=10' SHEET NUMBER: SU022644 SHEET NAME: MRM
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EDUARDO E. BONZIO NEW JERSEY PROFESSIONAL LAND SURVEYOR LIC. NO. 39402	1 of 1
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509°54'01"W 200.00'
 BAY VIEW PLACE
 (BY R.O.M.)



ORDINANCE NO. 870

**AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY
IN THE BOROUGH OF OCEANPORT,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
PURSUANT TO N.J.S.A. 40A: 12-13 ET SEQ.**

WHEREAS, the Mayor and Council of the Borough of Oceanport owns the following property, which is partially located on Hiawatha Avenue and Mohawk Avenue (hereinafter "The Property"), as delineated on the Tax Map of the Borough of Howell, County of Monmouth, State of New Jersey; and

WHEREAS, the Mayor and Council has determined that it is in the best interests of the Borough of Howell to sell the property to the contiguous homeowner pursuant to N.J.S.A. 40A:12-13 et seq.; and

WHEREAS, N.J.S.A.40A:12-13(b)(5) authorizes the Borough to sell municipally owned real property to the owner of the real property contiguous to the real property being sold; and

WHEREAS, N.J.S.A. 40A:12-13(b) further provides that in any sale of real property in a private sale when authorized by ordinance, the accepted price agreed upon with the owner shall be for fair market value of the property as negotiated between the two parties.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Oceanport as follows:

1. The Property as delineated on the Tax Map of the Borough of Oceanport, County of Monmouth, State of New Jersey, Shall be offered as a private sale to the sole contiguous property owner as permitted by N.J.S.A.40A:12-13(b)(1-5).

2. The Property subject to sale as described in the legal description attached hereto as Exhibit A and further depicted in the plans attached hereto as Exhibit B, entitled "Right of Way Vacation Plan for Brian and Maureen Cullen", is being conveyed to Brian and Maureen Cullen from the Borough for consideration in the amount of \$4,600 plus costs all associated costs including legal, engineering and filing fees.

3. That the Borough of Oceanport makes no representations with regard to the property or title. Successful bidders will be provided marketable title as defined by its ability to insure title and regular rates.

(i). All lots are conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, wetlands regulations and such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property.

(ii). No representations are made herein, express or implied that any property referenced herein is buildable, or usable for any purpose whatsoever. The purchaser accepts the premises "as is", and acknowledges that said purchaser has examined the property, or otherwise waived the right to examine said property prior to submitting the stated bid to the Borough.

10. That conveyance of the property shall be done subject to all applicable Borough Ordinances as well as all County and State laws, rules and regulations.

11. The successful bidder shall indemnify and hold the Borough harmless from any claim of whatever kind arising out of the Borough's ownership interest including but not limited to environmental cleanup costs.

12. Nothing herein shall prevent the Borough from signing a contract of sale with the successful bidder provided that all of the terms therein are not inconsistent with terms of this Ordinance.

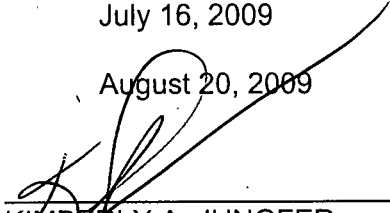
13. All other ordinances or parts of ordinance inconsistent herewith are hereby repealed.

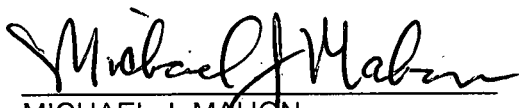
14. This ordinance shall take effect upon final passage and publication in accordance with law.

INTRODUCED: July 16, 2009

APPROVED: July 16, 2009

ADOPTED: August 20, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR



Consulting, Municipal & Environmental Engineers
Planners • Surveyors • Landscape Architects

Exhibit A

331 Newm an Springs Road
Suite 203
Red Bank, NJ 07701
Tel: 732.383.1950 • Fax: 732.383.1984

DESCRIPTION OF PROPERTY BOROUGH OF OCEANPORT MONMOUTH COUNTY, NEW JERSEY

LAND DEDICATION PART OF HIAWATHA AVENUE & MOHAWK AVENUE TO LOT 1, BLOCK 69 PROJECT NO. 04-0146A FEBRUARY 14, 2006 REVISED FEBRUARY 3, 2009

All that certain lot, tract or parcel of land situate, lying and being in the Borough of Oceanport, in the County of Monmouth and the State of New Jersey, and being lands dedicated to Lot 1, Block 69, the same being a portion of Hiawatha Avenue (50' R.O.W.) and Mohawk Avenue (50' R.O.W.) as shown on a map entitled: "Right of Way Vacation Plan, for, Brian and Maureen Cullen, Lot 1, Block 69, Borough of Oceanport, Monmouth County, New Jersey", dated February 14, 2006 and revised through February 3, 2009, the same also being a part of Hiawatha Avenue and Mohawk Avenue as shown on sheet number 10 of the Official Tax Map of the Borough of Oceanport and being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the northerly line of Hiawatha Avenue, (50' R.O.W.), said line being distant **25.00 feet** measured northwardly from and at right angles to the centerline thereof, said point being the following bearing and distance measured from the intersection of the westerly line of Bay View Place (50' R.O.W.) said line being distant **25.00 feet** measured westwardly from and at right angles to the centerline thereof with the said northerly line of Haiwatha Avenue,
a.) **N 80° 05' 59" W, 209.18 feet**, and running, thence –

1. **S 32° 56' 13" E, 9.98 feet** through a portion of the aforesaid Hiawatha Avenue, to an angle point in the same, thence –
2. **S 53° 07' 19" W, 10.78 feet** still through a portion of the aforesaid Hiawatha Avenue, to a point in the southwesterly line of an existing bulkhead, thence –
3. **N 32° 56' 13" W, 26.08 feet** along the aforesaid southwesterly line of an existing bulkhead, to a point in the northwesterly line of the same, thence –
4. **N 59° 03' 57" E, 10.76 feet** along the aforesaid northwesterly line of an exist bulkhead and through a portion of the aforesaid Mohawk Avenue, to a point in the same, thence –
5. **S 32° 56' 13" E, 7.74 feet** through a portion of the aforesaid Mohawk Avenue, to a point in the northwesterly line of Lot 1, Block 69, said lot as shown on the aforesaid access easement plan, thence –
6. **S 57° 37' 01" W, 7.89 feet** along the aforesaid northwesterly line of Lot 1, Block 69, to a point in the southerly line of the same, thence –



**DESCRIPTION OF PROPERTY
BOROUGH OF OCEANPORT
MONMOUTH COUNTY, NEW JERSEY**

**LAND DEDICATION
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LOT 1, BLOCK 69
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7. S 80° 05' 59" E, 10.75 feet along the aforesaid southerly line of Lot 1, Block 69, to the Point and Place of BEGINNING.

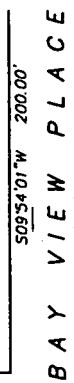
CONTAINING: 245.9 square feet of land more or less.

The foregoing description was prepared by the undersigned surveyor for the firm of Maser Consulting P.A. and is based the aforesaid Right of Way Vacation Plan, dated February 14, 2006 and revised through February 3, 2009.

LEONARDO E. PONZIO, P.L.S.
NEW JERSEY PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 39402

DATE SIGNED

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1.	02/03/09	MRM			MISC. REVISIONS

MASER CONSULTANTS, P.C.
 Consulting, Municipal & Environmental Engineers
 1000 State Rte. 2 - Springfield, Lakeside, NJ 07033
 State of N.J. Certificate of Registration: 26GA027865500

RED BANK OFFICE
 331 Newman Springs Road
 Suite 203
 Red Bank, N.J. 07701
 Phone (732) 303-1950
 Fax (732) 303-1984
 E-mail: solutions@maserconsultants.com

GENERAL NOTES.

1. MAP REFERENCES:
 A MAP ENTITLED: "TOPOGRAPHIC MAP OF THE TOWNSHIP OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY" DATED MARCH 19, 2004, PREPARED BY WASER CONSULTING P.A.
 A MAP ENTITLED: "NOED DOCK PERMIT PLAN, FOR BRIAN AND MAUREEN CULLEN, LOT 1, BLOCK 69, TOWNSHIP OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY" DATED MARCH 19, 2004 AND REVISED THROUGH AUGUST 26, 2005, PREPARED BY WASER CONSULTING P.A.
 THE ELEVATIONS SHOWN HEREIN ARE RELATIVE TO N.G.V.D. 1929 ADJUSTMENT. TOTAL DATUM (853.122) OCEANPORT, SHREWSBURY RIVER NATIONAL DATUM EPOCH (1980-1978)

ORDINANCE #871
THE FLOOD DAMAGE PREVENTION ORDINANCE
(60.3) D & E

Section 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of Borough of Oceanport, of Monmouth County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

[1] The flood hazard areas of the Borough of Oceanport are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- [1] To protect human life and health;
- [2] To minimize expenditure of public money for costly flood control projects;
- [3] To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] To minimize prolonged business interruptions;
- [5] To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

[1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

[2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;

[3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

[4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,

[5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Digital Flood Insurance Rate Map" (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Elevated building" means a non-basement building (i) built in the case of a building in a Coastal High Hazard Area to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special

Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

"Erosion" means the process of the gradual wearing away of land masses.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- [a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- [b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- [c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- [d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which

have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Section 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Oceanport, Monmouth County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Oceanport, Community No. 340320, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.
- b) Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel(s) 34025C0183F, 34025C0184F, 34025C0191F, 34025C0192F, 34025C0203F, whose effective date is September 25, 2009.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 222 Monmouth Boulevard, Oceanport, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be subject to a penalty as set forth in Chapter 15, subsection 1-15 general penalties, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Oceanport from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of Borough of Oceanport, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Construction Official shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway.

[4] Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.

[5] Review plans for walls to be used to enclose space below the base flood level in accordance with Section 5.4-2 (4).

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

[i] verify and record the actual elevation (in relation to mean sea level); and

[ii] maintain the floodproofing certifications required in Section 4.1 (3).

[3] In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.4-2(1) and 5.4-2(2)(i) and (ii) are met.

[4] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection , Dam Safety and Flood Control section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

[1] The Planning Board as established by Borough of Oceanport shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court, as provided by law.

[4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of Section 4.4-1 [4] and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1 [4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4- 1 [4], or conflict with existing local laws or ordinances.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

[1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

[1] All subdivision proposals shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area

subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

[1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated a minimum of two feet above base flood elevation; and

[2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area Of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

[1] either have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated a minimum of two feet above base flood elevation; and

[2] within any AO zone on the municipality's DFIRM to have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[1] be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

[2] have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[3] be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 4.3-3 [2] [ii].

5.2-3 MANUFACTURED HOMES

[1] Manufactured homes shall be anchored in accordance with Section 5.1-1(2).

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is a minimum of two above the base flood elevation.

5.3 FLOODWAYS

Located within areas of special flood hazard established in SECTION 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

[1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

[2] If section 5.3 [1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

[3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

5.4 COASTAL HIGH HAZARD AREA

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in Section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

5.4-1 LOCATION OF STRUCTURES

[1] All buildings or structures shall be located landward of the reach of the mean high tide.

[2] The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.

5.4-2 CONSTRUCTION METHODS

[1] ELEVATION

All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood level, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in SECTION 5.4-2(4).

[2] STRUCTURAL SUPPORT

(i) All new construction and substantial improvements shall be securely anchored on piling or columns.

(ii) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(iii) There shall be no fill used for structural support.

[3] CERTIFICATION

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of SECTION 5.4-2 [1] and 5.4-2 [2] (i) and (ii).

[4] SPACE BELOW THE LOWEST FLOOR

(i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

(ii) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads

without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(b) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(iii) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(iv) Prior to construction, plans for any breakaway wall must be submitted to the (local administrator) for approval.

5.4-3 SAND DUNES

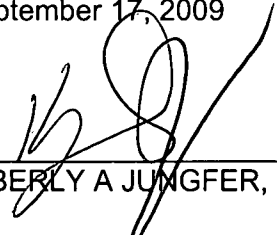
Prohibit man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage.

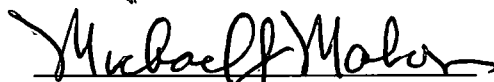
Introduced: September 3, 2009

Approved: September 3, 2009

Adopted: September 17, 2009

ATTEST:


KIMBERLY A JUNGFER, CLERK


MICHAEL J. MAHON, MAYOR

ORDINANCE #872

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY PROVIDING FOR CERTAIN REQUIREMENT FOR PRIVATE STORM DRAIN INLET RETROFITTING

Purpose:

The purpose of this article is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Oceanport so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Definitions:

For the purpose of this article, 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 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. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- 1. Already meets the design standard below to control passage of solid and floatable materials;
or
- 2. Is retrofitted or replaced to meet the standard in 329-32 below prior to the completion of the project.

Design Standard:

Storm drain inlets identified in 329-3 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see 329-4.(3) below.

(1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

(2) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(3) This standard does not apply:

- a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
- b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Enforcement:

This article shall be enforced by the Code Enforcement Officer of Borough of Oceanport.

Penalties:

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a penalty as set forth in Chapter 1, subsection 1-15, General Penalty for each storm drain inlet that is not retrofitted to meet the design standard.

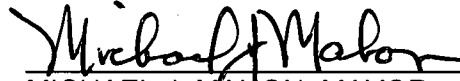
Severability:

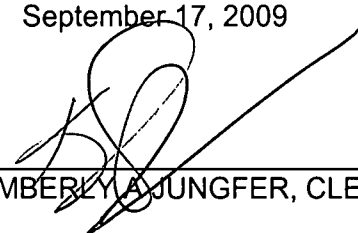
Each section, subsection, sentence, clause and phrase of this Article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Article.

Effective date:

This Article shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: September 3, 2009
Approved: September 3, 2009
Adopted: September 17, 2009


MICHAEL J. MAHON, MAYOR

ATTEST: 
KIMBERLY A. JUNGFER, CLERK

Ordinance #873

**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE
OF NEW JERSEY AMENDING CHAPTER 325, SOLID WASTE**

ARTICLE V

325-24. Purpose:

The purpose of this article is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Oceanport and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

325-25. Definitions:

For the purpose of this article, 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 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. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means 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.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

325-26. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Oceanport.

325-27. Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

325-28. Enforcement:

This article shall be enforced by the Code Enforcement Officer of the Borough of Oceanport.

325-29. Penalties:

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a penalty as set forth in Chapter 1, Subsection 1-15, General Penalty for each violation.

325-30. Severability:

Each section, subsection, sentence, clause and phrase of this Article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Article.

325-31. Effective date:

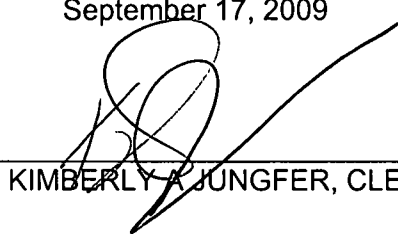
This Article shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: September 3, 2009

Approved: September 3, 2009

Adopted: September 17, 2009

ATTEST:


KIMBERLY A. JUNGFER, CLERK


MICHAEL J. MAHON, MAYOR

874

**AN ORDINANCE PROVIDING FOR ROADWAY REPAIRS AND DRAINAGE
IMPROVEMENTS IN AND BY
THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH,
NEW JERSEY, APPROPRIATING \$65,000 THEREFORE**

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

SECTION I. The improvement described in Section II of this Ordinance is hereby
authorized to be undertaken by the Borough of Oceanport as a general improvement.
For the improvement described in Section II, there is hereby appropriated the sum of
\$65,000.00 from the Capital Surplus Fund of the Borough of Oceanport.

SECTION II. The improvement hereby authorized is as follows:

Roadway Repairs & Drainage Improvements	\$ 65,000.00
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SECTION III. The estimated cost of the improvement is equal to the amount of the
appropriation herein made therefore.

SECTION IV. It is hereby determined and stated that the sum of \$65,000.00
appropriated from the Capital Surplus Fund is now available for said costs and the sum
is hereby appropriated from such moneys to defray the expense of the improvement.

SECTION V. The following additional matters are hereby determined, declared, recited
an stated:

(a) The improvement described in Section II of this Ordinance is not a
current expense. It is an improvement that the Borough may
lawfully undertake as a general improvement and no part of the
cost thereof has been or shall be specifically assessed on property
especially benefited thereby.

(b) The period of usefulness of the improvement, according to the
reasonable life thereof, is in excess of five (5) years.

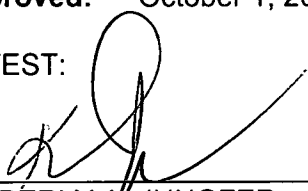
SECTION VI. This ordinance shall take effect upon passage and publication pursuant to
New Jersey State Law.

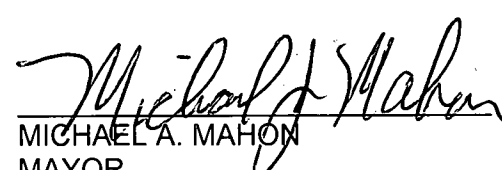
Introduced: September 17, 2009

Adopted: September 17, 2009

Approved: October 1, 2009

ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK/ADMINISTRATOR


MICHAEL A. MAHON
MAYOR

ORDINANCE NO. 875

AN ORDINANCE AUTHORIZING THE MUNICIPAL CLERK TO ACT AS THE ISSUING AUTHORITY TO APPROVE RAFFLE AND BINGO LICENSES IN THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY.

WHEREAS N.J.A.C 13:47-1.1 permits the governing body of a municipality to delegate, by ordinance, authority to a person to approve the granting of raffle and bingo licenses; and

WHEREAS the Borough Council has deemed it appropriate to designate the Municipal Clerk of the Borough of Oceanport as the person holding such authority;

IT IS THEREFORE AND BE IT ORDAINED, by the Borough Council of the Borough Council , County of Monmouth, State of New Jersey as follows:

SECTION 1. The Borough Council designates the Municipal Clerk of the Borough of Oceanport as the person having the authority to approve the granting of raffle and bingo licenses pursuant to the terms of N.J.A.C. 13:47-1.1.

SECTION 2. The Municipal Clerk shall file a certified Copy of this Ordinance with the Legalized Games of Chance Control Commission.

SECTION 3. INCONSISTENT ORDINANCES

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

SECTION 4. 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 this Ordinance shall be deemed valid and effective.

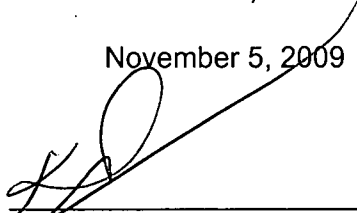
SECTION 5. EFFECTIVE DATE

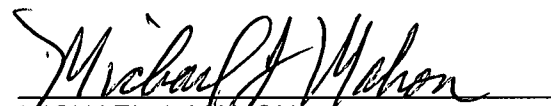
This Ordinance shall take effect upon its passage and publication according to law.

INTRODUCED: October 15, 2009

APPROVED: October 15, 2009

ADOPTED: November 5, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#876

**AN ORDINANCE SETTING FORTH AND ADOPTING AMENDMENTS TO
CHAPTER 361 ENTITLED TOWING AND STORAGE , SECTION 3B,
APPLICATION; FEE AND SECTION 4 FILING DATE; ISSUANCE OF LICENSE
OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY**

Section 361-3B shall be amended in its entirety as follows:

The block and lot number and mailing address of the garage at which the applicant has space available for properly accommodating and providing for the security of all towed motor vehicles. The storage facility must be able to accommodate at least 10 motor vehicles. The location of the storage facility and the location where their wreckers are principally housed may not be more than 5 driven statute miles over roadways leading to and from the boundaries of the Borough of Oceanport. In order to ensure the prompt clearing of Oceanport roadways and further ensure the safety of drivers and stranded motorists, priority will be given applicants who meet the above referenced criteria and are closest in statute miles over roadways leading to and from the boundaries of the Borough of Oceanport.

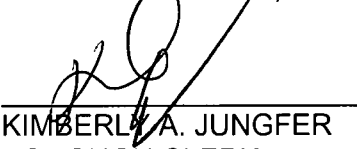
Section 361-Shall be amended as follows:

Upon this chapter becoming effective, applications shall be received by the Chief of Police during the thirty-day period immediately following and shall be acted upon in accordance with the provisions of this chapter. The Chief of Police shall recommend to the Mayor and Council the issuance of up to three towing licenses for their consent and approval. All licenses issued under this chapter shall expire on the last day of December next succeeding the date of issuance. Prior to renewal of any license issued hereunder, the Chief of Police shall conduct a review of all license holders to assess their compliance with the terms and provisions of the within ordinance and, if applicable, Chapter 390, Zoning.

INTRODUCED: December 2, 2009

APPROVED: December 2, 2009

ADOPTED: December 23, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

**AN ORDINANCE AMENDING CHAPTER 41 OF THE
OCEANPORT MUNICIPAL CODE ADDING A NEW ARTICLE IV
SHARED MUNICIPAL COURT SERVICES**

WHEREAS the Mayor and Council of the Borough of Oceanport find it in the best interests of the Borough to enter into a Shared Services Agreement with the Borough of Sea Bright to share Oceanport's municipal court facilities, equipment, a joint municipal court administrator, joint deputy court administrator and other related services while appointing its own municipal court judge, municipal prosecutor and public defender; and

WHEREAS, the commencement of the agreement for Shared Municipal Court Services between the Parties necessitates the Borough of Oceanport to amend the Borough's Municipal Code adding a new Article IV to Chapter 41, entitled "Shared Municipal Court Services".

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport, County of Monmouth, State of New Jersey, as follows:

Chapter 41

Article IV Shared Municipal Court Services

§ 41-18 Commencement

The term of the shared service agreement between the Borough of Oceanport and the Borough of Sea Bright shall commence on January 1, 2010.

§ 41-19 Scope and Purpose

The purpose of the shared municipal court services agreement is to provide jointly for courtrooms, chambers, equipment, supplies and employees for the municipal courts of Oceanport and Sea Bright without establishing a joint municipal court.

§ 41-20 Location

The location of the court shall be held in the Oceanport Municipal Building located at 222 Monmouth Boulevard, Oceanport, NJ. Suitable and sufficient space shall be provided in accordance with the agreement for shared municipal court services.

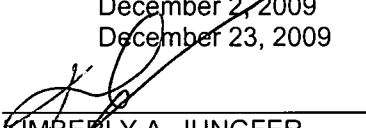
§ 41-21 Joint Municipal Court Administrator

In accordance with the shared municipal court services agreement the Court Administrator for the Borough of Oceanport shall serve as the Joint Municipal Court Administrator for Oceanport and Sea Bright. The Borough of Oceanport shall pay the Joint Municipal Court Administrator pursuant to the terms detailed in the agreement for shared municipal court services

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: December 2, 2009
APPROVED: December 2, 2009
ADOPTED: December 23, 2009

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#878

**AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO CERTAIN BOROUGH BUILDINGS
IN AND BY
THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH,
NEW JERSEY, APPROPRIATING \$30,000 THEREFORE**

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

SECTION I. The improvement described in Section II of this Ordinance is hereby authorized to be undertaken by the Borough of Oceanport as a general improvement. For the improvement described in Section II, there is hereby appropriated the sum of \$30,000.00 from the Capital Improvement Fund of the Borough of Oceanport.

SECTION II. The improvement hereby authorized is as follows:

Improvements to certain Borough Buildings in the amount of \$30,000.00

SECTION III. The estimated cost of the improvement is equal to the amount of the appropriation herein made therefore.

SECTION IV. It is hereby determined and stated that the sum of \$30,000.00 appropriated from the Capital Improvement Fund is now available for said costs and the sum is hereby appropriated from such moneys to defray the expense of the improvement.

SECTION V. The following additional matters are hereby determined, declared, recited and stated:

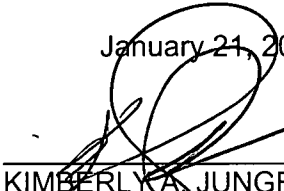
- (a) The improvement described in Section II of this Ordinance is not a current expense. It is an improvement that the Borough may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specifically assessed on property especially benefited thereby.
- (b) The period of usefulness of the improvement, according to the reasonable life thereof, is fifteen (15) years.

SECTION VI. This ordinance shall take effect upon passage and publication pursuant to New Jersey State Law.

INTRODUCED: January 7, 2010

APPROVED: January 7, 2010

ADOPTED: January 21, 2010

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#879

**AN ORDINANCE AMENDING CHAPTER 325, ARTICLE II OF THE BOROUGH CODE
ENTITLED "RECYCLING" OF THE BOROUGH OF OCEANPORT, COUNTY OF
MONMOUTH AND STATE OF NEW JERSEY**

325-5 SECTIONS A&B shall be replaced with new A as follows:

It shall be mandatory for all person who are owners, lessees and occupants of residential property, of business and industrial properties, and of private or public and government institutions and buildings, to separate newspaper, corrugated cardboard, clean mixed paper aluminum cans, tin and bi-metal cans, glass bottles and jars, and pourable plastic bottles ("designated recyclable") from all other solid waste produced by such residences and establishments, for the separate collections and ultimate recycling of such materials.

325-5 SECTION B NEW:

Residences, businesses and institutions provided with recyclables collection by the Borough shall place all designated recyclables curbside in a manner and schedule as regularly published and distributed by the Borough. Any business or institution not provided collection by the Borough shall be responsible for arranging the appropriate separation, storage, collections and ultimate recycling of all designated recyclables.

325-5 SECTION D: shall be replaced in its entirety with the following:

Leaves shall be kept separate from other vegetative waste and shall only be placed for collection in the manner and schedule as shall be published by the Borough of Oceanport.

325-5 SECTION H: Shall be replaced in its entirety with the following:

Automotive and other vehicle or wet cell batteries, motor oil and anti-freeze shall not be disposed as solid waste. Such items are to be kept separate from other waste material and recyclables, and brought to local service stations, scrap yards or publicly operated facilities permitted to handle such products.

325-5 SECTION I: Shall be replaced in its entirety with the following:

The following bulky recyclables shall not be placed with solid waste at the curbside for pick up: Concrete, asphalt, brick, block, tree stumps, tree limbs over three inches in diameter, tires, metal appliances or bulk metal items larger then one cubit foot and/or heavier then five pounds

325-5 SECTION J: Shall be replaced in its entirety with the following:

It shall be mandatory for all commercial and residential construction to separate all demolition materials for recycling.

325-5 SECTION K NEW:

Common, non-rechargeable dry cell batteries, commonly labeled A, AA, AAA, C, D and 9 Volt may be disposed with the regular municipal solid waste; however, rechargeable dry cell

and button batteries shall be separated and brought to publically operated facilities or retail outlets permitted to handle such products.

325-5 L NEW:

Effective January 2, 2011 computers, computer monitors and other related electronic hardware, as well as analog and digital television must be separated and brought to publically operated facilities or retail outlets permitted to handle such products.

325-6 Definitions shall be replaced in its entirety with the following:

ALUMINUM CANS: All disposable cans made of aluminum used for food or beverages. Specifically excluded are aluminum foils, pie tins, trays, cookware and other aluminum products.

CORRUGATED CARDBOARD: Layered cardboard including a waffled section between the layers, of the type commonly used to make boxes and cartons. Specifically excluded are waxed cardboard and any cardboard contaminated by direct contact with food, such as pizza boxes:

DEMOLITION MATERIALS: Includes asphalt, concrete and wood wastes.

GLASS BOTTLES AND JARS: Transparent or translucent containers made from silica or sand, soda ash and limestone, used for the packaging or bottling of various products. Specifically excluded are dishware, light bulbs, window glass, ceramics and other glass products.

CLEAN MIXED PAPER: High grade bond paper, mixed office and school papers such as stationary, construction paper and writing tablets, including computer printouts, magazines, gift wrapping paper, hard and soft cover books, junk mail and single layer cardboard (chipboard). Specifically excluded are carbon papers, paper cups and plates, food wrappers or any other paper contaminated by direct contact with food products and paper products used for personal hygiene, such as tissues.

NEWSPAPERS: Paper of the type commonly referred to as newsprints, includes any inserts which are normally included in the newspaper. Specifically excluded are any pages of newspaper used for household projects and crafts, such as painting or paper Mache projects or used for cleanup of pet waste.

TIN AND BI-METAL CANS: Disposable cans made of tin, steel or a combination of metals including but not limited to containers commonly used for food products. Specifically excluded are cans which contain toxic products such as paints or oils.

PURABLE PLASTIC CONTAINERS: Plastic bottles where the neck is smaller than the body of the container, and it limited to plastic resin type #1 PET and plastic resin type #2 HDPE. Specifically excluded are other resin types (#2 through #7) and non-bottle plastic containers such as margarine tubes and other consumer items and packages such as film plastics, blister packaging, boxes, baskets, toys and other products.

325-7 Recycling Coordinator:

A. Shall be replaced in its entirety with the following:

The position of Recycling Coordinator is hereby created and established within the Borough of Oceanport and shall be appointed by the Borough Council for a term of one year expiring December 31 of each year. The term of the person first appointed as Recycling Coordinator or any appointment due to a vacancy shall expire December 31 of the year of that person's appointment.

B. Shall be replaced in its entirety with the following:

The duties of the Recycling Coordinator shall include, but are not limited to: the preparation of the annual or other reports required by State and County agencies regarding the local solid waste and recycling programs, reviewing the performance of local schools and municipal agencies in conducting recycling activities, periodic review of local residential and business recycling practices and compliances, reports to the governing body on the implementation and enforcement of the provisions of this ordinance and such other reports and activities as may be requested by the Governing Body.

C. Shall be replaced with in its entirety with the following:

The Recycling Coordinator shall be required to comply with the Certification Requirements for Municipal Recycling Coordinators, as established by the State of New Jersey. The Recycling Coordinator shall have completed or be in the process of completing the requirements for the certification as a "Certified Recycling Professional" (CRP) no later than January 13, 2010 as required by the New Jersey Recycling Enhancement Act.

325-12. Violations and penalties enforcement.

C: Shall be replaced in its entirety with the following:

The Municipal Recycling Coordinator, the Monmouth County Health Department and the Police Department are hereby jointly and severally empowered to inspect solid waste and recycling arrangements and compliance at local residences, businesses, schools and institutions and to enforce the provisions of this ordinance, by issuance of warnings, notices or summonses.

ARTICLE VI(NEW)

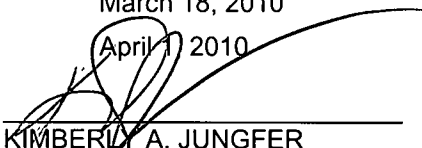
325-24: DEBRIS MANAGEMENT PLAN FOR CONSTRUCTION PERMITS

The Construction Department shall issue construction and demolition permits only after the applicant has provided a Debris Management Plan identifying the estimated number and types of containers to be used for the handling of all solid wastes and recyclables generated during the project and arrangements for the proper disposition of the generated materials. A refundable deposit in the amount of \$200.00 shall be submitted with the Debris Management Plan, which shall be returned after completion of the project and appropriate documentation is presented regarding the disposition of same. Inadequate or incomplete documentation may result in the forfeiture or some or all of the required deposit.

INTRODUCED: March 18, 2010

APPROVED: March 18, 2010

ADOPTED: April 1, 2010

ATTEST: 
KIMBERLI A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

**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 2010 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 193,63.39 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 2010 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 \$193,163.39 and the CY 2010 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

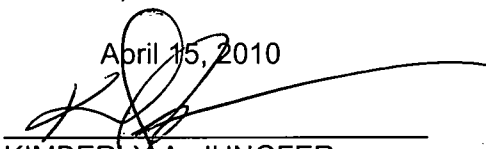
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

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: April 1, 2010

APPROVED: April 1, 2010

ADOPTED: April 15, 2010

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE # 881

AN ORDINANCE ENTITLED "EXTRA DUTY ASSIGNMENTS" OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

- A. Whenever the Chief of Police or his designee determines that an extra duty assignment shall be performed such assignment shall first be offered to a member of the Collective Bargaining Unit hereinafter referred to as CBU. If the member of the CBU refuses or is otherwise unable to work the assignment, it may be offered to other members of the Police Department not covered by the CBU.
- B. A party requesting an extra duty assignment, the Chief of Police or his designee shall enter into an agreement providing for extra duty assignments for which the Borough shall be compensated at the rate set from time to time by resolution. Such agreements shall be in accordance with the following standards:
 - 1. The party requesting the assignment shall execute and deliver an agreement in a form approved by the Borough Council by resolution from time to time. The Chief of Police or his designee shall be authorized to execute any such agreement, provided that it has been submitted in the form approved by resolution.
 - 2. The Borough shall be responsible to provide all necessary claims for damage for personal injury, including death or damage to property which may arise or result from the Borough's performance under the contract.
 - 3. The party requesting the assignment of police officers shall indemnify and hold harmless the Borough from any and all claims made by said police officers for injury or illness while performing extra duty assignments for said party. In addition, the party shall hold the Borough harmless from any and all claims made by any third party for injury, illness or damage to property arising out of the extra duty assignment of a police officer.
 - 4. Any and all extra duty assignments shall be determined and approved by the Chief of Police or his designee. The Chief of Police or his designee may assign a patrol vehicle for use in performing extra duty if and in the event it is determined that the use of a patrol vehicle is necessary to perform the contracted duty.
 - 5. The work to be performed shall be considered "extra duty assignment from independent contractors" and will not be considered a regular duty assignment.. The assignment of extra duty assignments may be designated by the Chief of Police to any Police Officer as may be necessary.
- C. Fees and Charges
 - 1. Payments due under such an agreement pursuant to an emergency as designated by the Police Chief or his designee shall be paid 15 days from the date of billing.

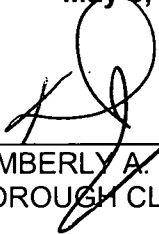
2. When a party desires to contract with the Borough of Oceanport for needed extra duty services by a police officer an escrow shall be posted based on the rates set forth per resolution, made payable to the Borough of Oceanport. The Borough Administrator and Chief of Police are hereby authorized to establish such rules and regulations that are necessary to implement this provision. The escrow amount shall be determined by the CFO in conjunction with the Police Chief.
3. Rates for extra duty assignments will be negotiated between the Collective Bargaining Unit and the Borough of Oceanport and shall be set by resolution.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: March 18, 2010
APPROVED: March 18, 2010
AMENDED: April 15, 2010
REINTRODUCED: April 15, 2010
APPROVED: April 15, 2010
ADOPTED: May 6, 2010

ATTEST:



KIMBERLY A. JUNGFER
BOROUGH CLERK



MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 882

AN ORDINANCE OF THE BOROUGH OF OCEANPORT,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
PROVIDING FOR THE 2010 ROAD AND SIDEWALK
IMPROVEMENT PROGRAM AND RELATED EXPENSES
OF THE BOROUGH OF OCEANPORT AND
APPROPRIATING \$506,000 THEREFOR (INCLUDING A
GRANT IN THE AMOUNT OF \$116,000 EXPECTED TO BE
RECEIVED FROM THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION) AND PROVIDING FOR THE
ISSUANCE OF \$370,500 IN GENERAL IMPROVEMENT
BONDS OR NOTES OF THE BOROUGH OF OCEANPORT
TO FINANCE THE SAME.

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 improvement or purpose described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Oceanport, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$506,000 (including a grant in the amount of \$116,000 expected to be received from the New Jersey Department of Transportation) and including the sum of \$19,500 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$370,500 pursuant to the Local

Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the Borough wide 2010 Road and Sidewalk Improvement Program, consisting of resurfacing, wall work and other improvements to various roads, streets and sidewalks located in the Borough, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in

writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, 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 6. The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared 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. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the

authorization of the bonds and notes provided in this bond ordinance by \$370,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$80,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than the grant in the amount of \$116,000 expected to be received from the New Jersey Department of Transportation which shall be applied to direct payment of the cost of the improvements) shall be applied either to direct payment of the costs of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is hereby approved.

Date:

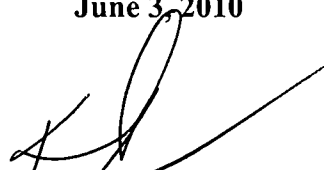


Mayor

INTRODUCED: May 20, 2010

APPROVED: May 20, 2010

ADOPTED: June 3, 2010

ATTEST: 

KIMBERLY A. JUNGFER
BOROUGH CLERK



MICHAEL J. MAHON
MAYOR

ORDINANCE #883

**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	\$10,000. - 90,000.
Borough Clerk	\$50,000. - 80,000.
Administrative Assistant	\$28,000. - 31,000.
Deputy Borough Clerk	\$36,000. - 50,000.
Planning Board Secretary	\$ 2,000. - 7,000.

B. FINANCIAL ADMINISTRATION

Chief Financial Officer	\$25,000 - 40,000.
Accounts Payable/Payroll Clerk	\$19,000 - 30,000.

C. BOARD OF ASSESSORS

Assessor	\$ 5,000 - 24,000.
Assessor's Assistant	\$ 1,000 - 10,000.

D. COLLECTION OF TAXES

Tax Collector	\$10,000. - 65,000.
Tax Office Clerk	\$28,000. - 40,000.

E. MUNICIPAL COURT

Municipal Court Judge	\$15,000 - 23,000.
Court Administrator	\$30,000 - 75,000.
Court Assistant	Hourly rate \$15-25
Municipal Prosecutor	\$ 100-200./hour
Public Defender	\$ 100-200./hour

F. LEGAL SERVICES

Borough Attorney	\$ 0 - 20,000.
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G. PLANNING BOARD

Planning Board Attorney \$ 0 - 10,000.

H. POLICE DEPARTMENT

Chief \$110,000. - 125,000.00

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: \$28,000 - 55,000.

Records Clerk \$28,000 - 59,000.

School Crossing Guards, each \$ 6,500 - 11,000.

I. PUBLIC WORKS & RECYCLING DEPARTMENT

Superintendent \$55,000 - 75,000.

General Foreman \$50,000 - 75,000

Foreman \$38,000 - 60,000.

Helper \$28,000 - 45,000.

J. RECREATION AND EDUCATION

Recreation Coordinator \$ 9,000 - 15,000.

Action Camp Director \$ 0.

Recreation Aides & Assistants, total \$ 0.

Building Custodian \$ 1,700 - 2,500.

Community Center/Old Wharf House reservations \$ 0.

Library Aide \$ 0 - 2,000.

Construction Official \$20,000 - 30,000.

Building Inspector \$10,000 - 13,000.

Plumbing Sub Code Official \$ 8,000 - 10,000.

Electrical Sub Code Official \$ 8,000 - 10,000.

Housing Inspector \$ 4,000 - 10,000.

Fire Sub Code Official \$ 4,000 - 7,500.

Building Sub Code Official \$ 6,500 - 8,000.

Zoning Enforcement Officer \$ 0 - 10,000.

Code Enforcement Officer \$ 0 - 10,000.

Control Person \$ 8,000 - 20,000

K. BOARD OF HEALTH

Registrar	\$ 1,000 - 2,000.
Secretary	\$ 400 - 1,000.

L. EMERGENCY MANAGEMENT

Emergency Management Coordinator	\$ 3,000 - 4,000.
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M. CASUAL LABOR

\$8.00 - \$20.00 per hour

N. SPECIAL CLASS II OFFICER

\$8.00 - \$20.00 per hour

O. LONGEVITY will be allowed in accordance with the collective bargain agreement only to those members of said Collective Bargaining Agreement.

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.

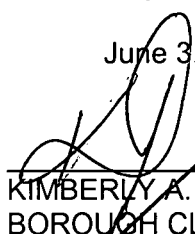
SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

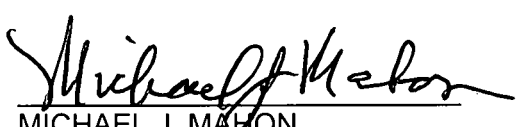
SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

INTRODUCED: May 20, 2010

APPROVED: May 20, 2010

ADOPTED: June 3, 2010

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MARION
MAYOR

ORDINANCE NO. 884

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS SECURITY IMPROVEMENTS AND RELATED EXPENSES OF THE BOROUGH OF OCEANPORT AND APPROPRIATING \$200,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$190,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF OCEANPORT TO FINANCE THE SAME.

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 improvement or purpose described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Oceanport, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$200,000 and including the sum of \$10,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$190,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are improvements to Municipal Buildings, including, but not limited to building security and related expenses with respect to outsourcing of dispatch functions, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, 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 6. The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared 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. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$190,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the costs of the improvements or to payment

of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

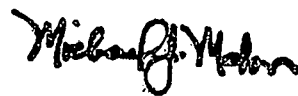
Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

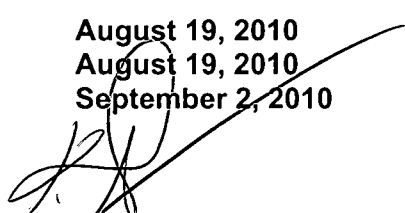
The foregoing bond ordinance is hereby approved.

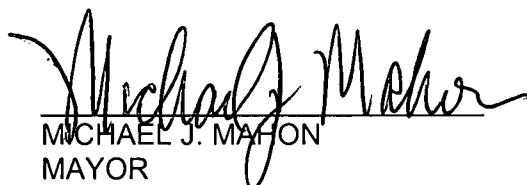
Date:



Mayor

INTRODUCED: August 19, 2010
APPROVED: August 19, 2010
ADOPTED: September 2, 2010

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#885

**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, 2008 unless otherwise stated, be and the same is hereby amended to read as follows:

POLICE DEPARTMENT

Captain	\$	99,000. – 106,000.
Detective Sergeant	\$	97,000. – 103,500.
Sergeants, each	\$	94,000. – 100,500.
Detective	\$	92,000. – 98,000.
Patrol I	\$	89,000. – 95,000.
Patrol II	\$	82,000. – 87,500.
Patrol III	\$	74,000. – 79,500.
Patrol IV	\$	67,500. – 72,000.
Patrol V	\$	60,000. – 64,000.
Patrol VI	\$	52,500. – 56,500.
Patrol VII	\$	45,500. – 48,500.
Patrol VIII	\$	38,000. – 41,000.
Patrol IX	\$	31,000. – 31,500.

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

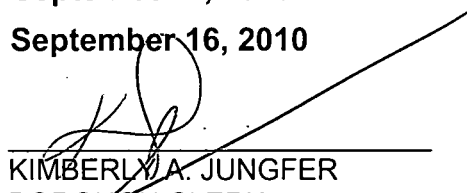
SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

Introduced: September 2, 2010

Approved: September 2, 2010

Adopted: September 16, 2010

ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE
OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 204 OF THE CODE OF
THE BOROUGH OF OCEANPORT ENTITLED "FEES" TO AMEND AND SUPPLEMENT
ARTICLE IV ENTITLED "TAX COLLECTOR FEES"**

- A. In accordance with N.J.S.A. 54-5-54 the Tax Collector shall provide any party entitled to redeem a certificate pursuant to this section (N.J.S.A. 54:5-45) two calculations of the amount required for redemption within a calendar year at no cost. A \$50.00 fee may be assessed for each subsequent calculation required by the Tax Collector. A request for a redemption calculation shall be made in writing to the Tax Collector.
- B. In accordance with N.J.S.A. 54:5-97-1 the Tax Collector may charge a lienholder of a tax lien \$50.00 for the calculation of the amount due to redeem the tax lien as required pursuant to N.J.S.A. 54:5-97.1. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.
- C. All ordinance or parts of ordinance inconsistent herewith are hereby repealed.
- D. This ordinance shall take effect after second reading and publication as required by law.

Introduced: September 16, 2010

Approved: September 16, 2010

Adopted: October 7, 2010

ATTEST:



KIMBERLY A. JUNGFER
BOROUGH CLERK



MICHAEL J. MAHON
MAYOR

#887

REFUNDING BOND ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S GENERAL OBLIGATION, SERIES 2002, HERETOFORE ISSUED TO FINANCE CAPITAL IMPROVEMENTS, APPROPRIATING AN AMOUNT NOT EXCEEDING \$582,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$582,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF OCEANPORT FOR FINANCING THE COST THEREOF

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 Borough of Oceanport, in the County of Monmouth, New Jersey (the "Borough") is hereby authorized to (i) refund all or part of the remaining outstanding amount of the Borough's General Obligation Bonds, Series 2002, maturing in each of the years 2013 through 2019, inclusive (collectively, the "Refunded Bonds") and issued to finance capital improvements of the Borough; and (ii) provide for the payment of the costs of issuance.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable general obligation refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the principal amount not to exceed \$582,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purpose of the refunding is to affect an interest cost savings for the Borough.

Section 5. Further provisions as to the terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the refunding bonds, and any matters in connection therewith, shall be determined by resolution of the Borough Council of the Borough adopted prior to the issuance of the refunding bonds.

Section 6. All other matters relating to the refunding bonds shall be performed or determined by subsequent resolution of the Borough Council of the Borough, or the performance or determination

thereof shall be delegated by resolution of the Borough Council of the Borough to the Chief Financial Officer of the Borough.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

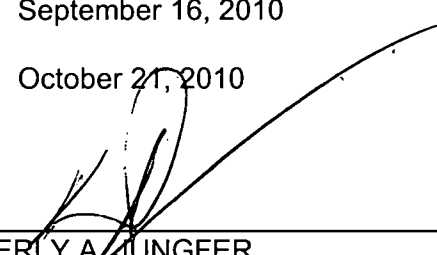
Section 9. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

INTRODUCED: September 16, 2010

APPROVED: September 16, 2010

ADOPTED: October 21, 2010

ATTEST:



KIMBERLY A. JUNGFER
BOROUGH CLERK



MICHAEL J. MAHON
MAYOR

**AN ORDINANCE SETTING FORTH AND ADOPTING
AMENDMENTS TO CHAPTER 64 ENTITLED VEHICLES AND TRAFFIC ARTICLE XVII,
SECTION 64-33 SCHEDULE 1: NO PARKING
OF THE CODE OF THE BOROUGH
OF OCEANPORT**

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

I.

The purpose of this Ordinance is to amend Chapter 64 "Vehicles and Traffic" ARTICLE XVII: Schedules to prohibit parking on both sides of Maple Place. The amended ordinance shall read as follows::

64-33. Schedule I: No Parking

Name of Street	Side	Location
Maple Place	both	From the southerly curblin of Shrewsbury Avenue to the Southerly terminus of Maple Place.

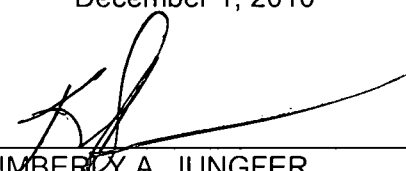
BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

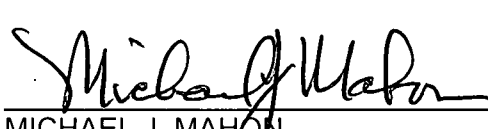
BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: November 4, 2010

APPROVED: November 4, 2010

ADOPTED: December 1, 2010

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#889

**AN ORDINANCE SETTING FORTH AND ADOPTING AMENDMENTS TO
CHAPTER 284 ENTITLED "PEACE AND GOOD ORDER" SECTION 1(A) (22) OF
THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND
STATE OF NEW JERSEY**

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

I.
The purpose of this Ordinance is to amend Chapter 284 Section 1(A) (22) regarding Peace and Good Order within the limits of the Borough of Oceanport. This amendment is being made in order to avoid conflict with State law that already preempts this field. The amended ordinance shall read as follows:

(1) 284-1 (A) (22)

Participate or engage, attempt or offer to engage or aid or abet in any disturbance or disorderly assemblage, or in any way commit any breach or disturbance of the peace.

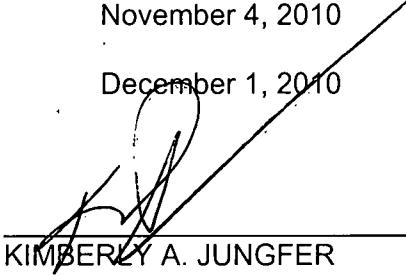
BE IT FURTHER ORDAINED that all other Ordinance or parts of Ordinances inconsistent herewith are hereby repealed to the extend of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: November 4, 2010

APPROVED: November 4, 2010

ADOPTED: December 1, 2010

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MANON
MAYOR

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 127 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "ANIMALS" TO AMEND AND SUPPLEMENT ARTICLE I SECTION 127-1

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

Section 127-1 Licenses required: license fee; expiration; duplicate tags; be amended to read as follows:

Each and every dog shall be duly licensed and shall bear evidence of such license at all times in accordance with the laws of the State of New Jersey. The annual fee for such license shall be \$10.80 for each dog, plus \$1.20 for the registration tags of each dog. In addition, there shall be a surcharge of \$3.00 for each nonspayed and nonneutered dog. Said licenses, registration tags and renewals thereof shall expire on the last day of January of each year. In the event that any registration tag is lost, stolen or mutilated beyond recognitions, that owner of said dog shall secure a duplicate or new tag. The fee for said duplicate or new tag shall be the sum of \$1.00.

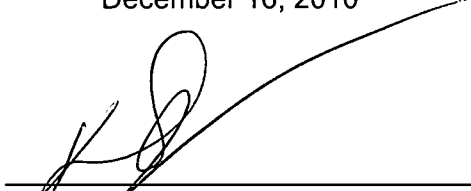
BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: December 1, 2010

APPROVED: December 1, 2010

ADOPTED: December 16, 2010

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 891

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING 295 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "PROPERTY MAINTENANCE".

SECTION 1. BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that the following be added to Chapter 295 entitled Property Maintenance:

SNOW AND ICE REMOVAL:

1. **Removal Required: Time Limit:** The owner, tenant or occupant of any building or lands abutting upon any street within the Borough of Oceanport shall cause the sidewalk in front of the property to be cleared of snow or ice to a width of at least two (2) feet within forty eight (48) hours after the cessation of the snowfall or formation of ice. In case of ice on the sidewalk, should it be impracticable to remove same, then the sidewalk shall be covered with sand or some other suitable substance so as to cause the sidewalk to be made safe for persons traveling thereon.
2. **Deposit of Snow or Ice on Plowed Streets Prohibited:** No person shall sweep, throw or deposit any snow or ice in that part of the street which has been or is being plowed, swept, cleaned or cleared by the municipality for the passage of traffic.
3. **Extension of Removal Time Limit:** In the event of snow in excess of 18 inches in a 24 hour period, the Borough Administrator, based on a report of conditions from the Public Works Department and/or the Emergency Management Director may extend the forty eight (48) hour requirement for an additional forty eight (48) hours. Such extension would be posted on the Borough Website, www.oceanportboro.com.

SECTION 2. REPEALER:

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

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

SECTION 4. 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 this Ordinance shall be deemed valid and effective.

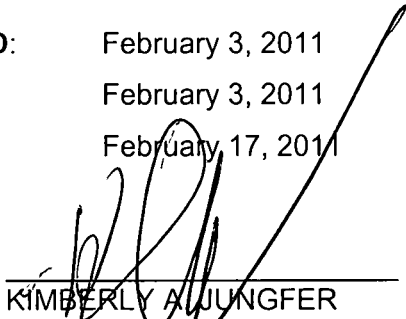
SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

INTRODUCED: February 3, 2011

APPROVED: February 3, 2011

ADOPTED: February 17, 2011

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 892

**AN ORDINANCE SETTING FORTH AND ADOPTING AMENDMENTS TO CHAPTER 103
ENTITLED "VOLUNTEER INCENTIVES" OF THE CODE OF THE BOROUGH OF
OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

SECTION 1. BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that Chapter 103, Article II, Section 103.7 C. Period Increases is hereby repealed.

SECTION 2 REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

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

SECTION 4. 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 this Ordinance shall be deemed valid and effective.

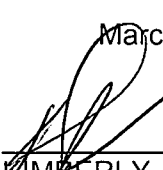
SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

INTRODUCED: February 17, 2011

APPROVED: February 17, 2011

ADOPTED: March 3, 2011

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE #893

AN ORDINANCE SETTING FORTH AND ADOPTING AMENDMENTS TO CHAPTER 204, ARTICLE VII ENTITLED "FEES" OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.

Athletic Facilities Use Fees.

Section I. BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that Chapter 204, Article VII, 204 11 A. and B. be replaced in its entirety with the following:

A. The following is established as the fee to be paid for the use of the Borough of Oceanport athletic facility.

1. Games

a. Youth Fee:

- | | |
|------------------------|---------------|
| (1) Resident fee - | \$25 per game |
| (2) Non-Resident Fee - | \$50 per game |

b.. Non-Youth Fee:

- | | |
|------------------------|---------------|
| (1) Resident Fee - | \$35 per game |
| (2) Non-Resident Fee - | \$70 per game |

2. Practices:

a. Residents: \$100. per team/ 1- 2 hour practice per week for 12 weeks.

b. Non-Resident: \$200. per team/ 1-2 hour practice per week for 12 weeks.

3. For Profit Camps

\$500.00 per week.

4. For Profit Tennis Lessons;

\$500.00 for the period of May 1 thru September 30th with a maximum usage of 10 hours per week with a 2hr/1 court maximum per day.

B. Resident Team Rosters shall consist of 75% Oceanport residents. All other teams are to be considered Non-Resident Teams. The determination of whether a team is a resident or non-resident team, when disputed, shall be decided by the Municipal Council and confirmed by way of Resolution.

INTRODUCED: February 17, 2011

APPROVED: February 17, 2011

ADOPTED: March 3, 2011

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

**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% or the COLA, which ever is less, 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 2011 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 191,945.92 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 2011 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 \$191,945.92.39 and the CY 2010 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

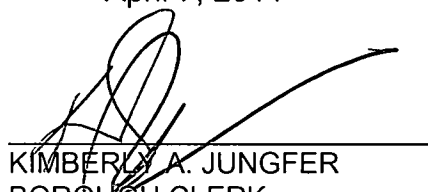
BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

Introduced: March 17, 2011

Adopted: March 17, 2011

Approved: April 7, 2011

ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

ORDINANCE NO. 895

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES FOR THE BOROUGH OF OCEANPORT AND APPROPRIATING \$668,500 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$200,000 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND PROVIDING FOR THE ISSUANCE OF \$446,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF OCEANPORT TO FINANCE THE SAME.

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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Oceanport, in the County of Monmouth, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$668,500 (including a grant in the amount of \$200,000 expected to be received from the New Jersey Department of Transportation) and including the aggregate sum of \$22,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$446,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation

therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1) Purpose: Borough wide 2011 Road Improvement Program, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$598,500
<u>Total expected grant</u>	\$200,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$379,500
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 19,000

- (2) Purpose: Acquisition of a video system for the Borough Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$50,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$47,500
<u>Period or Average Period of Usefulness:</u>	7 years
<u>Amount of Down Payment:</u>	\$ 2,500

- (3) Purpose: Acquisition of equipment for the Borough Public Works Department, including, but not limited to, a bed for a pick up truck, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$20,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$19,000
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,000

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes

issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations

authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.8935 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared 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. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$446,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$139,700 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several purposes or improvements.

(e) The Borough reasonably expects to commence acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than the grant in the amount of \$200,000 expected to be received from the New Jersey Department of Transportation which shall be applied to direct payment of the cost of the improvements) shall be applied either to direct payment of the costs of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

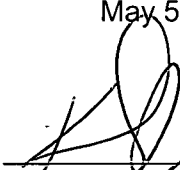
Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

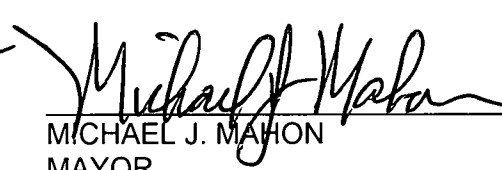
The foregoing bond ordinance is hereby approved.

INTRODUCED: April 7, 2011

APPROVED: April 7, 2011

ADOPTED: May 5, 2011

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

**AN ORDINANCE SETTING FORTH AND ADOPTING
AMENDMENTS TO CHAPTER 170 ENTITLED "CONSTRUCTION CODES, UNIFORM"
OF THE CODE OF THE BOROUGH OF OCEANPORT COUNTY OF MONMOUTH AND
STATE OF NEW JERSEY**

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

I. The purpose of this Ordinance is to amend Chapter 170 Construction Codes, Uniform, Section 3 entitled "fees" as follows:

§170-3 Fees.

- A. 1. 20% is amended to 25%
- B. \$46 is amended to \$58
- C. 1. \$0.027 is amended to 0.030
\$0.013 is amended to 0.017
- 2. \$17 is amended to \$25
\$13 is amended to \$20
\$10 is amended to \$15
- D. 1. \$10 is amended to \$13
- 2. \$65 is amended to \$75
- E. 1. \$36 is amended to \$45
\$6 is amended to \$7
- 2. \$10 is amended to \$13
\$36 is amended to \$42
- 3. \$46 is amended to \$52
- 4. \$92 is amended to \$100
- 5. \$475 is amended to \$525
- E. 3. \$75 is amended to \$100
- 4. \$46 is amended to \$52
- 5. \$46 is amended to \$52
- 6. \$255 is amended to \$400
- 7. \$255 is amended to \$400
- H 1. \$75 is amended to \$ 82.
- 1. \$100 is amended to \$150
- 2. \$50 is amended to \$75.
- 3. \$0.50 is amended to \$0.75
\$25 is amended to \$50
- 4. \$110 is amended to \$125

5 \$60 is amended to \$100

6. \$40 is amended to \$80

7. Amended in its entirety to read as follows" There shall be no fee for a temporary certificate of occupancy, except for temporary certificate of occupancy extension where the fee will be \$35.

8. Remove in its entirety

12. \$46 is amended to \$56

\$120 is amended to \$150

I 1. \$0.00265 is amended to \$0.00334

\$1.35 is amended to \$1.70

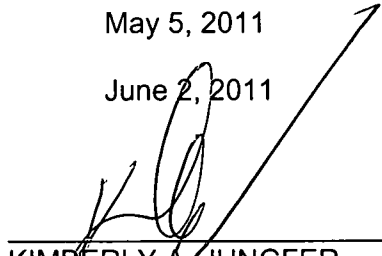
BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: May 5, 2011

APPROVED: May 5, 2011

ADOPTED: June 2, 2011

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#897

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 78 ARTICLE III OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "POLICE DEPARTMENT"

BE IT ORDAINED THAT SECTION A OF ARTICLE III – EXTRA DUTY ASSIGNMENTS is replaced in it entirety with the following:

- A. Whenever the Chief of Police or his designee determines that an extra duty assignment shall be performed such assignment shall first be offered to all eligible members of the Collective Bargaining Unit hereinafter referred to as CBU. If the eligible members of the CBU refuse or are otherwise unable to work the assignment, it may be offered to other members of the Police Department not covered by the CBU.

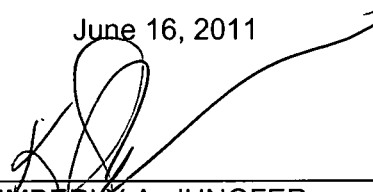
BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: May 19, 2011

APPROVED: May 19, 2011

ADOPTED: June 16, 2011

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

Ordinance #898

ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF OCEANPORT, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2011 (SHORE REGIONAL SCHOOL DISTRICT PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

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

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Borough of Oceanport, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2011 (Shore Regional School District Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Shore Regional School District Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Shore Regional School District (the "Board") pursuant to a lease and agreement to be entered into by the Authority and the Board (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

- (1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Board's share of the costs of issuance, but in no event shall such principal amount exceed \$440,000, of which the Municipality will guarantee 27.87% or not to exceed \$122,612.
- (2) The Bonds shall mature within eleven years of the date of issue.
- (3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.
- (4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A.

40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

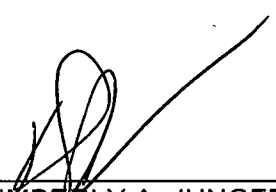
Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

INTRODUCED: July 21, 2011.

APPROVED: July 21, 2011

ADOPTED: August 18, 2011

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

SCHEDULE A - EQUIPMENT LIST

Shore Regional School District

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Athletic Field Scoreboard	15	5	\$ 10,000
Fencing	5	5	25,000
School Bus	10	5	80,000
Bleachers	15	5	150,000
Computers	5	5	10,000
Television Studio Equipment	10	5	50,000
School Sign	5	5	10,000
Window Blinds	5	5	50,000
Athletic Equipment	5	5	<u>15,000</u>
		Total	\$400,000

ORDINANCE #899

AN ORDINANCE REPEALING AN ORDINANCE ENTITLED "FIRE DEPARTMENT" OF THE BOROUGH OF OCEANPORT PASSED AND APPROVED ON DECEMBER 12, 1920; SUBSTITUTING THEREFOR AN ORDINANCE PROVIDING FOR THE ORGANIZATION, MAINTENANCE, REGULATION AND CONTROL OF THE FIRE 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 Fire Department Ordinance of the Borough of Oceanport" passed and approved on December 12, 1920 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:

ARTICLE I

Establishment and General Provisions

50-1. Establishment

The incorporated limits of the Borough of Oceanport as established under an act entitled "An Act to Incorporate the Borough of Oceanport, in the County of Monmouth" Chapter 105 of the Laws of New Jersey 1920 (approved April 6, 1920) shall constitute the fire district of the this Fire Department.

50-2. Purpose

The purpose of this ordinance is to further provide for the maintenance, regulation and control of the Fire Department of the Borough of Oceanport, and for the adoption of the rules and regulations of the Department.

50-3 Supervision and Control

Mayor and Council or its designee is the Supervisory Authority as provided in the New Jersey Statutes. The Supervisory Authority shall be responsible for the overall performance of the Fire Department. The Mayor and Council shall adopt and promulgate Rules and Regulations for the government of the Fire Department and for the discipline of its members. (N.J.S.A. 40A:14-68)

50-4 Rules and Regulations.

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

50-5 Composition of Department; election of officers.

- A. The Fire Department of this Borough shall be named the Oceanport Volunteer Fire Department and shall consist of the Port-Au-Peck Chemical Hose Company, the Oceanport Hook and Ladder Fire Company and such other companies and apparatus as may be hereafter otherwise provided for. The officers of said companies shall be such as are elected by the respective companies under their charters and bylaws.

B. Election of Officers

Elections of officers shall be held as provided in the department rules and regulations

Only residents of Oceanport, West Long Branch, Long Branch, Little Silver and Eatontown, may be elected to and hold any of the Departmental offices enumerated here in. If a Departmental officer moves from one of the above mentioned towns, he/she shall relinquish his/her position and the position will be filled by a member of that Fire Company meeting the qualifications as enumerated in the Rules and Regulations to hold said position for the unexpired term. If there is no qualified member from that Company to hold the position then a qualified member of another Company recognized by the Borough shall fill the position for the unexpired term.

C. Ranks and positions of the Fire Department

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

Fire Chief	One Position
First Assistant Fire Chief	One Position
Second Assistant Fire Chief	One Position
Captain	One Position for each Company. One position for fire police.
1 st . Lieutenant	One Position for each Company One position for fire police.
2 nd Lieutenant	One Position for each Company One Position for fire police.
Chief engineer	One Position for each Company
Engineer	As needed for each company

2. Each fire company may elect administrative officers for their company as required by their company by-laws.

50-6 Qualifications for membership.

- A. Regular membership. No person under the age of 18 may become a regular member of the Fire Department. Any applicant for membership must pass satisfactorily a physical examination by a practicing physician, which examination must be made within one month prior to the filing of the application for membership, and a certificate as to his physical condition, disclosed by such examination and signed by the physician making such examination, must be presented to the company with his application for membership in the Department.

- B. Special Membership. Any person 18 years of age or older may become a special member of the Fire Department, provided that such person shall be an active member in good stand of the fire department of any other municipality of the State of New Jersey. Applications for Special Membership shall be subject to review and approval by the Borough Council.
1. Unless any applicant for special membership shall have furnished satisfactory evidence that he or she was approved for membership in the fire department of another municipality, such applications shall be subject to of the provisions of Article II of this chapter
 2. In the event that any special member shall cease to be an active member in good standing of the fire department of another municipality for any reason, the special membership of such person in the Oceanport Fire Department shall automatically terminate.
 3. All applications who shall become a special member of the Fire Department shall at all times be subject to the provisions of Article II of this chapter regardless of their standing with the fire department of any other municipality in the State of New Jersey.
- C. All persons accepted for membership in the Fire Department must complete a one year probationary period, during which, the member may be removed from the Fire Department by the Mayor and Council on recommendation of the Fire Chief.

50-7 Fire Committee creation and purpose. [Added 11-6-2003 by Ord.No.768]

- A. Annually, the Fire Department shall establish the Borough of Oceanport Fire Committee. The Committee shall be compromised of all line officers of Oceanport Hook and Ladder Company and Port-Au-Peck Chemical Hose Company. In addition, the immediate ex-Fire Chief, Fire Marshal, Fire Police Captain, OEM Director and one 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 nonvoting advisors to the Fire Committee.
- C. The current Fire Chief shall be the chairman of the Fire Committee.
- D. The purpose of the Fire Committee shall be to formulate policies and procedures for the Oceanport Fire Department, establish, maintain and oversee a Five Year Plan for the Department.
- E. A decision of the Fire committee may be appealed by a Fire Company upon a vote of the company at their first regular meeting after the decision is made. The company must notify the Fire Chief in writing within 10 calendar days of their meeting date or forfeit the right to appeal.
- F. The Fire Chief will notify the Borough Administrator of an appeal. The Mayor and Council will review the decision under appeal, or designate a person or committee to review the decision. The findings of the reviewing authority will be final.

50-8 Fire Police appointments, terms of office and duties.

- A. Fire Police membership. The Mayor and Council shall appoint fire police officers who shall be members of the Oceanport Fire Department. Appointments shall be based on the recommendation of the Fire Police Captain and the approval of the Chief of Police.

All members shall possess and satisfy the qualifications required by N.J.S.A. 15:8-4 and any subsequent amendments of said statute.

- B. In addition to the qualifications herein above set forth, all fire police officers shall have been certified by the State of New Jersey and the Monmouth County Fire Academy or an equally qualified school. Copies of the certificates of the qualification for each appointee shall be filed with the Oceanport Police Chief.
- C. Upon their appointment, fire police officers shall serve 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. All fire police officers shall be under the control and supervision of 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.
- E. 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

50-9 Internal management.

The several companies of the Fire Department shall have power to provide for the election of their officers and members and manage their own affairs, subject to the Borough ordinance, rules and regulations of said Department, constitution and bylaws of the company, and the approval of the Mayor and Council, if said Mayor and Council shall see fit to exercise such right of approval in the interest of the general welfare of the Borough.

50-10.1 Suspension of companies.

Any company which shall refuse to obey or enforce obedience to any provision of this article or direction of the Mayor and Council or officer of the Borough of Oceanport in accordance herewith shall be suspended from fire duty in the Borough of Oceanport in the discretion of the Mayor and Council, in addition to any other penalties herein provided, and its control over the apparatus in its charge shall thereupon cease and revert to the Borough.

ARTICLE II Membership

50-11 Purpose.

This Article is enacted pursuant to N.J.S.A. 40:42-1 et seq. for the health, welfare and safety of its citizens and to implement N.J.S.A. 15:8-1.1.

50-12 Membership in the Volunteer fire company.

Membership in a volunteer fire company means membership in a volunteer fire company organized pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes, membership in a volunteer fire company or similar organization constituted in a fire district

pursuant to N.J.S.A. 40A:14-70-1; membership in a junior fire fighters auxiliary established pursuant to N.J.S.A. 40A:14-95; or nonpaid membership in a part paid fire department or force established pursuant to Chapter 14 of Title 40A of the New Jersey Statutes.

50-13 Application for membership.

Any person desiring membership in The Oceanport Fire Department shall complete and file in duplicate an application which shall contain the following information concerning the applicant:

- A. Name
- B. Home address
- C. Birth date
- D. Social Security number
- E. Drivers license number
- F. Any conviction for the violation of N.J.S.A. 2C:17-1:
 - (1) Aggravated arson
 - (2) Arson
 - (3) Failure to control or report dangerous fires; or
 - (4) Directly or indirectly paying or accepting any form of consideration for the purpose of starting a fire or explosion.
- G. Any conviction for the violation of N.J.S.A. 2C:33-3, false public alarms
- H. Any conviction of a crime or a disorderly persons offense, which would indicate that the applicant may be a threat to the health, safety or welfare of the borough.
- I. Such other information as the volunteer fire company deem relevant to the application, provided that none of such information is prohibited by law.

50-14 Investigation by Chief of Police.

- A. Following the filing of such application, the volunteer organization shall transmit one (1) copy of the application to the Chief of Police of the Borough of Oceanport, who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his or her application and any such other investigation of the applicants background as may be deemed necessary for the protection of the public good. If as the result of such investigation the applicant is found to have been convicted of a violation of N.J.S.A. 2C:17-1a, b, c and/or d or N.J.S.A. 2C:33-3 or any other crime or disorderly persons offense involving moral turpitude or other offenses which the Chief believes would be inappropriate for membership, the Chief of Police shall consider the same in his or her decision as to whether to recommend the applicant to the Mayor and Council as suitable. If the Chief find that the applicant is unsuitable, he or she shall provide a list of reasons to the applicant explaining said decision. The applicant may appeal the Chief's designation of unsuitability to the Mayor and Council with the understanding that, upon appeal, any information supplied to the Mayor and Council shall become a matter of pubic record.
- B. In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police is authorized to submit the applicant's fingerprints and receive state criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered by this Article.

50-15 Authorized agency.

This Article is intended to make the volunteer fire company an authorized agency as defined by N.J.A.C. 13:59-1.1.

50-16 Time limit of investigation.

The investigation by the Chief of Police authorized by this Article shall be completed within fourteen days of receipt of the application and the fingerprinting of applicant.

50-17 Approval of Membership

Upon consideration of the recommendation of the Chief of Police as to the suitability or unsuitability of the applicant, and following the appeal of the applicant, if such appeal occurs, the Mayor and Council shall vote to approve or disapprove the application. Only if a majority of the Council approves the application shall an applicant be accepted as a member.

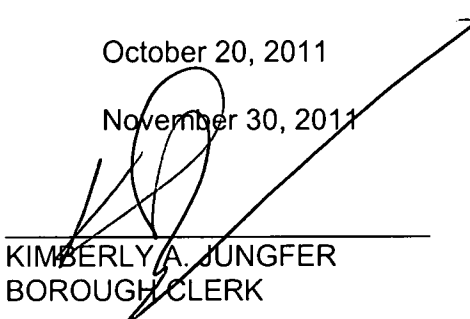
BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

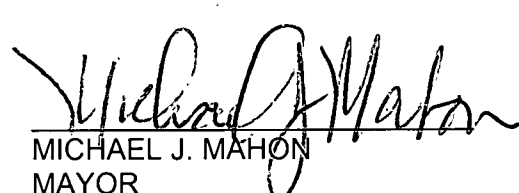
BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED: October 20, 2011

APPROVED: October 20, 2011

ADOPTED: November 30, 2011

ATTEST: 
KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#900

**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% or the COLA, which ever is less, 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 2012 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 \$199,338.55 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 2012 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 \$199,338.55 and the CY 2012 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

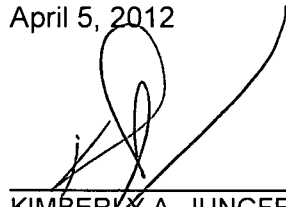
BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

Introduced: March 15, 2012

Adopted: March 15, 2012

Approved: April 5, 2012

ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAMON
MAYOR

#901

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE
OF NEW JERSEY AMENDING CHAPTER 29, ARTICLE III SECTION 29-28
OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED
"RECREATION COMMITTEE"

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

Section 29-28 entitled Composition; appointment; terms of office; vacancies is amended in its entirety as follows:

The Recreation Committee of the Borough of Oceanport shall be composed of 10 members, who shall be residents of the Borough. Member shall be selected and appointed as follows: three members for a term of one year each, three members for a term of two years each and three members for a term of three years each. Thereafter, all appointments shall be for the term of three 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: three appointments shall be made available to the sports associations, with any given association having a maximum of two members on the Committee; one appointment shall be made available to a senior citizen, and five 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.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

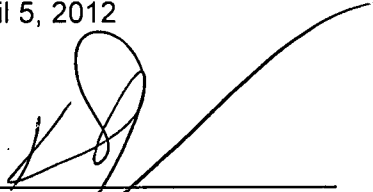
BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

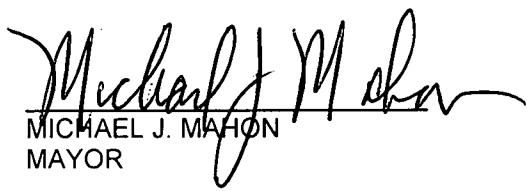
Introduced: March 15, 2012

Approved: March 15, 2012

Adopted: April 5, 2012

ATTEST:


KIMBERLY A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR

#902

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 64-19 (LEFT TURN PROHIBITION) AND SECTION 64-46 (SCHEDULE XIV: LEFT TURN PROHIBITION) OF CHAPTER 64 ENTITLED 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 64-19 (Left Turn Prohibition) and Ordinance Section 64-46 (Section XIV: Left Turn Prohibition) of Chapter 64 (Vehicle and Traffic Regulations) 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~~.

1. That in accordance with the provisions of Section 64-19, no person shall make a left turn at any of the following locations with the exception of school buses.

Intersection

Location

Eatontown Boulevard

From Eatontown Boulevard onto

And Burnt Mill Circle

Burnt Mill Circle, from September 1st
through June 30th, between the
hours of 7:00 am and 9:00 am.

2. That all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
3. That the within Ordinances shall become effective upon adoption and passage, according to law.

Introduced: March 15, 2012

Approved March 15, 2012

Adopted April 5, 2012

ATTEST:


KIMBERLEE A. JUNGFER
BOROUGH CLERK


MICHAEL J. MAHON
MAYOR