

## ORDINANCE #1047

### AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY CREATING THE BOROUGH OF OCEANPORT ENVIRONMENTAL COMMISSION

**WHEREAS**, the Borough Council of the Borough of Oceanport deems it in the best interest of the Borough to re-establish the Borough of Oceanport Environmental Commission,

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

**SECTION 1.** Chapter 29, Article IV (Environmental Advisory Committee), is hereby repealed and replaced as follows:

#### Article IV. Environmental Commission

**SECTION 1.** Creation: The municipality of the Borough of Oceanport Environmental Commission is hereby established pursuant to Chapter 245 of the Laws of 1968 (NJSA 40:56A-1 to 40:56A-12), as amended by Chapter 35, P.L. 1972 for the protection, development or use of the natural resources located within the territorial limits of the Borough.

**SECTION 2.** Members - Appointments; terms of office; compensation:

- A. The Commission shall consist of seven (7) members appointed by the Mayor, one of whom shall also be a member of the Planning Board and all of whom shall be residents of the municipality of the Borough of Oceanport; the members shall serve without compensation except as hereinafter provided.
- B. The Mayor shall designate annually one of the members to serve as Chairperson and presiding officer of the Commission.
- C. The terms of the office of the first commissioners shall be for 1, 2 or 3 years, to be designated by the Mayor in making his appointments and their successors shall be appointed for terms of 3 years and until the appointment and qualification of their successors. The first members of the Commission shall be appointed for the following terms: 2 members for the 1-year term expiring December 31, 2022, 2 members for the 2-year term expiring December 31, 2023, 3 members for the 3-year term expiring December 31, 2024. The Mayor or governing body may remove any member of the Commission for cause, on written charges served upon the member and after the hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.
- D. The Mayor, in addition to the regular members of the Commission appointed pursuant to Subsection A and B, shall appoint not more than two alternate members. Alternate members shall be designated at the terms of appointment as "Alternate No. 1" and "Alternate No. 2"
  - (1) The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.
  - (2) An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the Mayor or governing body for cause.
  - (3) An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

**SECTION 3.** Powers of Commission: The Commission is established for the protection, development or use of natural resources, including water resources, located within territorial limits of the municipality of the Borough of Oceanport. The Commission shall have the following powers:

- A. Promote the conservation and development of the natural resources and environment of the Borough of Oceanport.
- B. Plan, implement and inform the public about local environmental programs.

- C. Conduct research into the use and possible use of the open land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes.
- D. May advertise, prepare, print, and distribute books, maps, charts, plans and pamphlets, which in its judgment it deems necessary for its purposes.
- E. It shall keep an index of all open areas, publicly or privately owned, including open marshland, swamps and other wetlands, in order to obtain information on the proper use of such areas.
- F. Recommend to the Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas.

SECTION 4. Acquisitions by Commission: The Environmental Commission may, subject to the approval of the governing body, acquire property, both real and personal, in the name of the municipality by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas in the Municipality.

SECTION 5. Records and Annual Reports: The Environmental Commission shall keep records of its meetings and activities and make an annual report to the governing body.

SECTION 6. Appropriations: The Commission may appoint such clerks and other employees and incur such expenses as it may from time to time require, providing the same shall be within the limits of funds appropriated to it by the governing body or otherwise available to it.

SECTION 7. Studies and Recommendations: The Environmental Commission shall have power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna.

SECTION 8. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this ordinance be and the same are hereby repealed.

SECTION 9. This Ordinance shall take effect on January 1, 2022 upon its passage and publication according to law.

**APPROVED ON FIRST READING**

DATED: November 4, 2021

JEANNE SMITH  
Clerk of the Borough of Oceanport

**ADOPTED ON SECOND READING**

DATED: December 16, 2021

JEANNE SMITH  
Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS** 16th **DAY OF** December 2021.

**JOHN F. COFFEY, II**  
**Mayor**