

CHAPTER II
ADMINISTRATIVE*

2-1 Municipal Administrator.

2-1.1 *Appointment.* Appointment to the office of the municipal administrator shall be made by the mayor with the advice and consent of the borough council. The term of office shall be at the pleasure of the mayor and council. The borough clerk may be appointed municipal administrator and serve simultaneously in both capacities.

2-1.2 *Powers and Duties.* The municipal administrator shall have such powers and perform such duties, other than those required by law to be exercised by the borough council or by another officer, board of agency of the borough, as are prescribed herein and as may be prescribed by ordinance. The powers and duties shall include generally, the management of the business and operations of the borough under the supervision and control of the mayor and council.

2-1.3 *Removal.* The municipal administrator may be removed by two-thirds vote of the borough council. The resolution of removal shall become effective three months after its adoption by the council, except that the council may provide that such resolution shall have immediate effect provided, however, that in such event the borough council shall cause to be paid to the municipal administrator any unpaid balance of his salary and his salary for the next three calendar months following adoption of such resolution.

2-2 Tax Assessor.

2-2.1 *Office Established.* There is hereby established the office of Tax Assessor of the borough. The Tax Assessor shall be nominated by the mayor subject to the confirmation of the borough council pursuant to N.J.S.A. 40A:9-146.

* The form of government in Little Silver is the borough form which comprises Chapter 86 to 94 of Title 40 of the New Jersey Revised Statutes. Other enabling laws pertaining to the administration of the borough government are R.S. 2A:8-1, et seq., Municipal Court; R.S. 40:56A-1 to 56A-5, Conservation Commission; R.S. 40:55-36, Zoning Board of Adjustment; R.S. 40:55-1.4, Planning Board; R.S. 26:3-1, et seq., Board of Health; R.S. 40:64-1, et seq., Shade Tree Commission. Other authority to regulate the internal affairs of the municipality is contained in R.S. 40:48-2.

2-2 **BOROUGH OF LITTLE SILVER ORDINANCES**

2-2.2 *Qualifications.* The Tax Assessor shall be qualified as set forth in N.J.S.A. 54:1-35.25 as same may be amended.

2-2.3 *Term of Office.* The Tax Assessor shall hold office for a term of four (4) years from July 1 next following his appointment to the office.

2-2.4 *Compensation.* The compensation of the Tax Assessor shall be as determined in the salary ordinance.

2-2.5 *Duties.* The Tax Assessor shall perform the duties required of the holder of such office pursuant to Title 54 of the New Jersey Statutes and such regulations as may be promulgated by the New Jersey Division of Taxation and the Monmouth County Board of Taxation.

2-3 **Employee Benefits.**

2-3.1 *Coverage for Retired Staff Employees.* Medical insurance benefits and other police benefits shall continue to cover retired staff employees of both the borough hall and the library to the same extent and under the same conditions as for active staff employees as of the date of employee's retirement.

2-3.2 *Longevity.* In addition to the annual salary of all full time public employees, as determined by ordinance, the employee shall receive by way of longevity payment the sum of three percent of the annual salary after having served for a continuous period of five years, the sum of four percent of the annual salary after having served for a continuous period of ten years, and the sum of five percent of the annual salary after having served for a continuous period of 15 years.

The longevity payment by way of salary shall be paid bi-weekly and shall be reported to the Public Employees Retirement System, State of New Jersey, together with the annual salary as "regular base salary" as part of the employee's salaries. The aforesaid longevity payment program for each employee shall continue until such time as the employee retires. The longevity payment shall not be compounded annually but shall be added to the annual salary as the annual salary may be increased.

The longevity schedule hereinabove prescribed shall take effect on January 1, 1981, payable bi-weekly and shall supersede all previous longevity schedules theretofore by ordinance established.

2-4 Environmental Commission.

2-4.1 Creation. The Borough of Little Silver Environmental Commission is hereby established pursuant to N.J.S.A. 40:56A-1 to 40:56A-7, inclusive.

2-4.2 Members. The commission shall consist of seven regular 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 borough. The regular members shall serve without compensation except as hereinafter provided. The mayor shall designate one of the members to serve as chairman and presiding officer of the commission. The regular members shall be appointed for terms of three years. Alternate members shall be appointed by the mayor with the advice and consent of the council and shall be designated as Alternate No. 1 and Alternate No. 2. 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 terms 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 with the confirmation of the council for the unexpired term only.

No member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may participate in discussion of the proceedings but may not vote except in the absence of or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternating member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

2-4.3 Powers of Commission. The commission is established for the protection, development or use of natural resources, including water resources, located within the territorial limits of the borough. The commission shall have power to conduct research into the use and possible use of the open land areas of the borough and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans

2-4 BOROUGH OF LITTLE SILVER ORDINANCES

and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, in-

cluding open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may recommend to the planning board, plans and programs for inclusion in the master plan and the development and use of such areas.

2-4.4 *Acquisition by Commission.* The environmental commission may, subject to the approval of the mayor and council, acquire property, both real and personal, in the name of the borough 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 space and other land and water areas in the borough.

2-4.5 *Records and Annual Reports.* The environmental commission shall keep records of its meetings and activities and make an annual report to the mayor and council.

2-4.6 *Appropriations.* The commission may appoint such clerks and other employees as it may require, providing the same shall be within the limits of funds appropriated to it by the mayor and council.

2-4.7 *Studies and Recommendations.* An 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.

2-4.8 *Continuation.* The environmental commission heretofore established under the laws of 1972, Chapter 35, shall continue as the environmental commission of the Borough of Little Silver with its powers as amended and its members continued.

2-5 Municipal Court.

Pursuant to the provisions of R.S. 2:8A-13,14, there is hereby created and established a court in and for the borough to be known as the Municipal Court of the Borough of Little Silver with all the

2-6 BOROUGH OF LITTLE SILVER ORDINANCES

jurisdiction, functions, powers and duties which are now or which may hereafter be conferred upon it under any laws or statutes relating thereto.

2-6 Public Defender.

2-6.1 *Creation of Office.* Pursuant to P.L. 1997, c. 256 there is hereby created the office of borough public defender who shall be nominated by the mayor, with the advice and consent of the council, at the organizational meeting, or at any time thereafter, in the event such appointment by the mayor and council is deemed advisable or necessary.

2-6.2 *Term.* The term of the office of the borough public defender shall be at the pleasure of the mayor and council, but in any event shall expire on December 31 of the year in which the borough public defender is appointed.

2-6.3 *Duties.* It shall be the duty of the municipal public defender to represent, except in the case of temporary unavailability or conflict of interest, any defendant charged with an offense in municipal court who is an indigent municipal defendant entitled to representation pursuant to P.L. 1997, c. 256. All necessary services and facilities of representation, including both expert and lay investigation and testimony as well as other preparations, shall be provided in every case.

2-6.4 *Conflict of Interest.* In the event of a conflict of interest or otherwise, the borough public defender shall call upon the borough attorney to attend to any such matters.

2-6.5 *Compensation.* The compensation of the borough public defender shall be two thousand five hundred (\$2,500.00) dollars annually in 1998 prorated from date of appointment, and as fixed by the borough council in the salary ordinance for subsequent years.

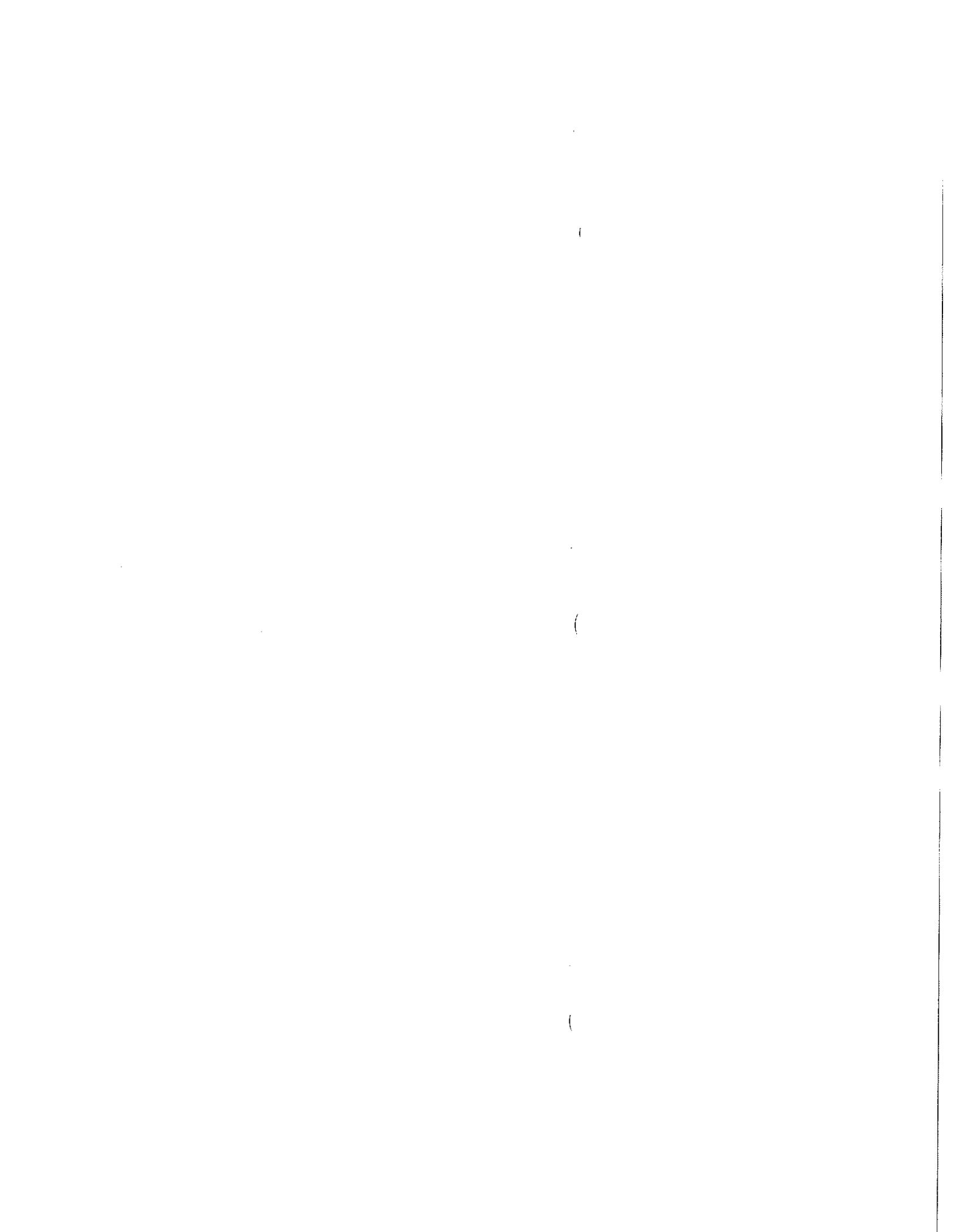
2-6.6 *Application Fee, Waiver; Deposit in Dedicated Fund.*

a. Pursuant to P.L. 1997, C. 256 (C. 2B24-17) any person applying for representation by a municipal public defender or court-approved counsel shall pay an application fee of not more than two hundred (\$200.00) dollars, but only in an amount necessary to pay the costs of municipal public defender services. The municipal court may waive

any required application fee, in whole or in part, if the court determines, in its discretion, upon a clear and convincing showing by the applicant that the application fee represents an unreasonable burden on the person seeking representation. The municipal court may permit a person to pay the application fee over a specific period of time not to exceed four months.

b. Funds collected pursuant to paragraph a. of this subsection shall be deposited in a dedicated fund administered by the Chief Financial Officer of the Borough of Little Silver or in the case of a joint municipal court in a manner agreed to by the constituent municipalities. Such funds shall be used exclusively to meet the cost incurred in providing the services of a municipal public defender including, when required, expert and lay investigation and testimony.

c. If it is determined by the Division of Local Government Services during its annual review of the municipal budget of the Borough of Little Silver that the amount of money in a dedicated fund established pursuant to this section exceeds by more than 25 percent the amount which the municipality expended during the prior year providing the services of a municipal public defender, the amount in excess of the amount expended shall be forwarded to the Criminal Disposition and Review Collection Fund administered by Victims of Crime Compensation Board.



2-7 Reserved.**2-8 Board of Health.**

2-8.1 *Establishment.* There shall be a board of health in the borough which shall consist of five regular members and two alternate members. Such regular members shall be appointed by the mayor, with the advice and consent of the council, for staggered terms of four years; provided that in case a vacancy occurs in the board by death, resignation or removal, it shall be filled in the same manner in which the original appointment was made for the unexpired term only. Alternate members shall be appointed by the mayor with the advice and consent of the council and shall be designated as Alternate No. 1 and Alternate No. 2. 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 terms 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 with the confirmation of the council for the unexpired term only. No member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may participate in discussion of the proceedings but may not vote except in the absence of or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternating member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

2-8.2 *Removal from Office.* Any member of the board of health may be removed from office for cause, after an opportunity has been given for a hearing, and upon the vote of a majority of the council.

2-8.3 *Jurisdiction.* The board of health shall have all of the jurisdiction conferred upon boards of health by Title 26 of the Revised Statutes.

2-9 Shade Tree Commission.

2-9.1 *Establishment.* Pursuant to the provisions of R.S. 40:64-1, there is hereby established a shade tree commission of the Borough of Little Silver.

2-9 BOROUGH OF LITTLE SILVER ORDINANCES

2-9.2 *Membership.* The commission shall consist of seven members appointed by the mayor, which members shall be residents of the borough and shall serve without compensation. All appointments except to fill vacancies or to increase membership shall be on a staggered basis for a term of five years, to take effect on January 1 in the year of appointment, with no more than two appointments expiring at the end of the year. Any vacancies occurring in the membership of the commission by reason of death, resignation or removal of any commissioner shall be filled for the unexpired term by the mayor.

2-9.3 *Operation and Officers.* The commission shall organize annually by the election of one of its members as chairman, and the appointment of a secretary, who need not be a member. The salary of the secretary who may be compensated even if a member of the commission shall be fixed by the mayor and council.

2-9.4 *Powers.* The shade tree commission shall have the power to:

- a. Adopt rules and regulations for its own government;
- b. Exercise full, sole and exclusive control over the regulation, planting and care of shade and ornamental trees and shrubbery now located or

which may hereafter be planted in any municipal property, public highway, park or parkway in the borough, including their planting, trimming, spraying, care and protection;

c. Regulate and control the use of the ground surrounding the same, so far as may be necessary for their proper growth, care and protection;

d. Move or require the removal of any tree or part thereof dangerous to public safety;

e. Encourage arboriculture;

f. Administer treatment to or remove any trees situated upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of the borough and enter upon private property for that purpose, with the consent of the owner, provided the suspected condition is first confirmed by certificate issued by or on behalf of the Department of Agriculture;

g. Make, alter, amend and repeal any and all ordinances necessary or proper for carrying out the above powers.

2-9.5 *Cost of Trees a Lien.* Except as hereinafter provided, the initial cost of all trees planted by the commission, the cost of planting the same, the cost of the posts and boxes or guards used for their protection, and the cost of the removal of any tree or part dangerous to public safety shall, if the commission shall so determine, in accordance with uniform rules and regulations promulgated for this purpose, be a charge upon the real estate in front of which the tree shall be planted or removed as an improvement. Such cost if it is so determined that it is to be paid by the owner shall, unless paid directly to the commission be certified by it to the borough collector of taxes and shall thereupon become a lien upon the real estate and shall be included in the next tax bill rendered to the owner, and be collected in the same manner as other taxes against that property.

The provisions of this subsection shall not apply to:

a. A planting to replace a tree previously planted by the commission;

b. A planting in connection with Arbor Day exercises or other educational demonstration.

2-10 BOROUGH OF LITTLE SILVER ORDINANCES

2-10 Parks and Recreation Committee.*

2-10.1 *Definitions.* As used in this section, the following terms shall have the meanings indicated:

Active recreation programs shall mean those programs conducted by the recreation director and his or her staff in the fields of athletics, outdoor recreation and day camps.

Passive recreation programs shall mean those programs conducted by the recreation director and his or her staff in the fields of arts and crafts, social programs (i.e., concerts, movies, etc.) special events (i.e., Memorial Day parade, Christmas tree lighting, Easter egg hunt, etc.).

Recreation department shall mean and consist of the recreation director, recreation secretary, recreation committee and such staff recommended by the recreation director for hiring and hired by the borough from time to time in accordance with the annual budget adopted by the mayor and borough council.

Recreation director shall mean the person employed by the borough to propose, undertake and conduct the aforescribed recreation programs and to provide advice on other recreational facilities and programs as directed by the mayor and borough council. The recreation director and his or her staff shall be under the direct supervision of the borough administrator and shall be an advisor to the recreation committee.

Recreation programs shall mean those active and passive recreational activities which are proposed by the recreation director, endorsed for approval by the recreation committee and approved by the mayor and borough council in its annual budget.

2-10.2 *Establishment.* There is hereby established in the Borough of Little Silver a parks and recreation advisory committee, known as the "recreation committee," which shall have the duties hereinafter set forth, the members of which shall be appointed by the mayor and borough council in accordance with the provisions of this section.

* Editor's Note: Prior ordinance history includes portions of Ordinance No. 75A-76.

2-10.3 *Membership; Terms of Office; Ex Officio Member.*

a. Said recreation committee shall be comprised of not fewer than five nor more than 11 members, who shall be citizens and residents of the Borough of Little Silver.

b. The members first appointed shall hold office for one, two and three years, respectively, in such a manner that the terms of at least one member and not more than four members shall expire each year. Thereafter, all appointments shall be for terms of three years and all vacancies shall be filled for the unexpired term only.

c. One member of the borough council shall be appointed by the mayor to serve as ex officio member of the recreation committee but shall have no vote unless he or she also is formally appointed a member of said committee. Additional ex officio members (liaisons) from the school board, Sports Foundation and other organizations may serve on the recreation committee but shall have no vote unless he or she also is formally appointed a member of said committee.

1. *Removal from office.* Any member of the recreation committee may be removed from his or her office for cause after an opportunity has been given for a hearing and upon the vote of a majority of the council.

2. *Oath of office.* Each member of the committee shall, before assuming office, take and subscribe an oath that he or she will faithfully and impartially discharge the duties of the office.

3. *Officers.* The members of the committee shall choose annually from among its members a chairman, vice chairman, secretary and such other officers as it may deem necessary and may formulate subcommittees for the administration and handling of its programs.

4. *Quorum.* A majority of the membership shall constitute a quorum.

2-10.4 *Relationship to Mayor and Borough Council.*

a. The recreation committee shall work with the mayor and borough council through its ex officio member to plan and execute, through the recreation director and staff, a balanced recreation program for the citizens of the borough.

b. The recreation committee here established shall not be deemed to be a recreation commission pursuant to N.J.S.A. 40:12-1 et seq.

c. The mayor and borough council shall annually appropriate in its budget funds which may be expended through established administrative channels to provide for balanced recreation programs.

2-10 BOROUGH OF LITTLE SILVER ORDINANCES

d. Neither the recreation committee, nor any member thereof, nor the recreation director of staff, shall have the power or right, express or implied, to bind or obligate the Borough of Little Silver or the mayor and borough council of the Borough of Little Silver directly or indirectly.

2-10.5 *Organization.* The recreation committee shall organize each year within ten days of January 1 of each year and choose from among its members such officers as it deems advisable, adopt rules and bylaws for the proper conduct of its meetings and formulate such committees for the oversight of its programs.

2-10.6 *Powers and Duties.* The purpose of this section shall be to create the Borough of Little Silver Recreation Committee, which shall be charged with the responsibility to plan, promote and organize a recreational program within the borough and administer same in the interests of the entire community. The recreation committee shall not be deemed to be a recreation commission pursuant to N.J.S.A. 40:61-17 et seq. or 40:12-1 et seq., but said committee shall have only those powers and duties that have been more particularly provided in this section or by resolution of the mayor and council.

The recreation committee shall fix and determine the duties of and recommend to the mayor and council the appointment of a recreation director and aides and such other supervisory or custodial personnel as it deems necessary for the successful completion and operation of the recreational program. The recreation committee shall, from time to time, study the advisability of the acquisition of additional park and recreational lands; formulate plans for the development and improvement of the public park and playground lands or Community Center building now or hereafter owned by the borough; propose methods or arrangements for the proper maintenance and care of such lands and the improvement thereof and formulate rules and regulations for the public use of such park and playground lands and improvements. The mayor and council at its discretion shall refer to the recreation committee for its consideration and recommendation any proposals for recreational programs or acquisitions of equipment, facilities or property that may be under consideration by the mayor and council. The committee shall study such matters referred to it by the mayor and council and shall report its findings and conclusions thereon, in writing, to the mayor and council as soon as may be reasonably possible.

ADMINISTRATIVE

2-10

2-10.7 *Annual Budget.* The recreation committee shall submit to the mayor and council the subsequent year's proposed comprehensive budget for the annual recreation program prior to November 1 of each year. The mayor and council shall annually appropriate such sums as it may deem necessary for such purposes, and those funds will thereafter be administered and disbursed by normal borough financial control procedures.

2-10.8 *Fees.* The Recreation Committee shall charge a registration fee and a late fee after the specified deadline for registrations in accordance with the schedule below. The schedule of fees may be revised from time to time by resolution of the mayor and council.

		Registration Fee	Late Fee
Baseball			
T Ball	5th & 6th year	\$25	\$15
Rookie	7th & 8th year	35	15
Rookie	9th year	40	15
Jr. Little League	10th year	45	15
Sr. Little League	11th & 12th year	45	15
Colt		45	15
Pony		45	15
Softball (Youth)			
Clinic 2nd Grade		20	15
10 under		30	15
12 under		50	15
14 under		50	15
Softball (Adult)		25	0
Basketball			
3rd - 8th Grade		25	15
Mid-Monmouth (5th, 8th grade)		100	0
Monmouth Youth League (4th grade)		150	0
Soccer			
Kindergarten		15	10
1st - 2nd Grade		20	15
3rd - 8th Grade		35	15

2-11 BOROUGH OF LITTLE SILVER ORDINANCES

	Registration Fee	Late Fee
Summer Playground Kindergarten - 8th Grade	\$20	0
Tennis		
8th Grade and Up	36	0
6th & 7th Grade	18	0

2-10.9 *Annual Report.* The committee shall submit an annual report to the mayor and council by December 31, setting forth in detail its operations, activities and accomplishments for the preceding year.

2-10.10 *Liability.* Nothing in this section shall be construed to hold the committee or any committee member liable for the death, injury or illness of any person in connection with any recreational activity.

2-11 **Northeast Monmouth Regional Sewerage Authority.**

2-11.1 *Findings; Establishment.* The borough council has decided and determined that it is necessary and advisable and in the best interests of the inhabitants of the borough that by joint or parallel action by or on behalf of the Boroughs of Fair Haven, Little Silver, Monmouth Beach, Oceanport, Shrewsbury and West Long Branch (each a municipal corporation of the State of New Jersey situated in the County of Monmouth) that a sewerage authority pursuant to the Sewerage Authorities Law be created for the purposes of the relief of waters in or bordering

the state from pollution arising from causes within the area of the boroughs and the relief of waters in, bordering or entering the area from pollution or threatened pollution and the consequent improvement of conditions affecting the public health.

Therefore, pursuant to the provisions of paragraph (c), Section 4 of the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented), there is created a public body corporate and politic under the name and style of "The Northeast Monmouth County Regional Sewerage Authority."

2-11.2 Conformity with Sewerage Authorities Law. The sewage authority is and shall be an agency and instrumentality of the six boroughs created by parallel ordinances duly adopted by their governing bodies, and is a sewerage authority as contemplated and provided for by the Sewerage Authorities Law and shall have and exercise all the powers and perform all the duties provided for by such law and any other statutes heretofore or hereafter enacted and applicable.

2-11.3 Membership. The Northeast Monmouth County Regional Authority shall consist of 12 members, and two of such members shall be appointed by the governing body of each of the boroughs, in accordance with the provisions of the Sewerage Authorities Law.

2-12 Budget Submitted.

During the month of December in each year, each department, committee, commission and agency of the borough shall certify to the mayor and council the estimated sum necessary for the proper conduct of its work during the ensuing fiscal year in accordance with such forms and procedures as may be from time to time determined by the borough council.

2-13 Borough Prosecutor.

2-13.1 Creation of Office. Pursuant to R.S. 40:48-1, there is hereby created the office of borough prosecutor who shall be nominated by the mayor, with the advice and consent of the council, at the organizational meeting, or at any time thereafter, in the event such appointment by the mayor and council is deemed advisable or necessary.

2-13.2 Term. The term of the office of the borough prosecutor shall be at the pleasure of the mayor and council, but in any event shall expire

2-14 BOROUGH OF LITTLE SILVER ORDINANCES

on December 31 of the year in which the borough prosecutor is appointed.

2-13.3 *Duties.* The duties of the borough prosecutor shall be to prosecute any and all matters on behalf of the borough or the state in the Municipal Court of the Borough of Little Silver, and he shall be in attendance at all times when the magistrate so requests.

2-13.4 *Conflict of Interest.* In the event of a conflict of interest or otherwise, the borough prosecutor shall call upon the borough attorney to attend to any such matters.

2-13.5 *Compensation.* The compensation of the borough prosecutor shall be \$1,800.00 annually in 1975 prorated from date of appointment, and as fixed by the borough council in the salary ordinance for subsequent years.

2-14 *Cooperative Purchase Program.*

2-14.1 *Preamble.* Certain benefits and savings are potentially available to the borough and other municipalities which participate with Monmouth County in Joint Public Bidding and Cooperative Purchasing Program; and it is necessary to establish a legal basis for the Borough of Little Silver and the County of Monmouth in cooperation with other municipalities will establish a Joint Public Bidding and Cooperative Purchasing Program pursuant to N.J.S.A. 40:A 11-10 and 40:23-6; and it is in the best interest of the borough to enter into such an agreement.

2-14.2 *Agreement Executed.* The agreement entitled "Agreement Between the County of Monmouth and certain municipalities located therein", to provide the municipality with voluntary joint public bidding and cooperative purchasing services shall be executed by the mayor and borough clerk in accordance with the provisions of law, and the services and facilities of the office of county purchasing agent shall be provided without cost to the borough.

2-14.3 *Community Development Block Grant.* The agreement entitled, "Agreement to Modify Interlocal Services Agreement dated November 30, 1981 for the Purpose of Inserting a Description of Activities for the Tenth Year Monmouth County Community Development Block Grant Program," a copy of which is on file in the municipal clerk's office, be executed by the mayor and municipal clerk in accordance with the provisions of law.

ADMINISTRATIVE

2-14

2-14.4 *Duration of Contract.* This contract shall be effective retroactive to December 15, 1974 and shall continue in effect until notification by the borough council to the effect that it wishes to withdraw for a subsequent program year. The notice must be given in writing in accordance with applicable conditions and deadlines lawfully established by

the U.S. Department of Housing and Urban Development (HUD) for any given year in order for the local unit of government to drop out for the subsequent program year, but in no case may a participant drop out of an ongoing program year, except as a result of HUD action.

2-15 Payment of Claims.

2-15.1 *Bill of Demand.* Any person claiming payment from the borough shall present a detailed bill of demand (R.S. 40A:5-16) to the borough clerk, duly certified (or in the alternative, supported by an affidavit of the claimant.)

2-15.2 *Certification that Materials Were Received.* It shall be the duty of the borough treasurer to see that the signature of the officer or employee, who has been duly designated by the local unit to certify that the materials have been received by or the services rendered to the local unit, appears on every claim. (R.S. 40A:5-16).

2-15.3 *Approval of Committee Chairman.* Claims shall then be presented to the chairman of the committee responsible for the placing of the order who, if satisfied the claims are proper, shall approve the same. After such approval is given, the chairman shall file the claims with the borough treasurer, who shall then present these claims to the borough council for formal approval at a regular meeting.

2-15.4 *Mayor's Approval.* Where the mayor does not approve claims prior to the time they are presented to the borough council for approval, it shall be his duty to incorporate in the official minutes, by signing the approving resolution or by approving the schedule of claims approved by the borough council, that he has examined the same and has officially approved the same for payment.

2-15.5 *Council to Approve or Reject Claims.* Claims shall be considered by the borough council which shall approve the same, except that the council may reject any claim presented to it stating the reason for such rejection. Any disapproved claim shall be referred back to the borough treasurer with such instructions as the borough council may give at the time of disapproval.

2-15.6 *Claims Recorded.* It shall be the duty of the borough clerk to record all claims in the official minutes indicating that the governing body has by formal action approved the same with appropriate record as to any claims disapproved or rejected.

2-15.7 *Treasurer to Date the Claims.* It shall be the duty of the borough treasurer or such other officer designated by resolution of the borough council to indicate on the claims that they have been approved for payment, with the date of approval thereof noted on the claim.

BOROUGH OF LITTLE SILVER ORDINANCES

2-15.8 *Preparing Checks; Distribution.* After the treasurer has certified that the claims have been approved, he shall forthwith prepare the necessary checks for the payment thereof, which checks shall be signed by the mayor and the borough clerk and thereafter countersigned by the treasurer. After preparing checks for the payment of claims, he shall record them in proper books of account and thereafter mail or otherwise distribute the checks to the claimants.

2-15.9 *Payroll Checks.* In case of payrolls only, the treasurer or such officer or employee as the borough council may designate by resolution shall, no later than the first Monday of each month, anticipate the amount of money needed for payrolls during the month in question and shall cause such amount to be withdrawn from the general borough accounts and deposited into the payroll account in such a timely fashion that interest in the general account will be maximized yet the payroll account will have a sufficient balance to meet the anticipated payroll for the month.

It shall be the further duty of the treasurer or other designated person as aforesaid to prepare the necessary payrolls for all employees which payrolls shall be duly certified by the treasurer that the services have been rendered and that the amount specified is in fact due and owing to the employee or employees. The payroll shall then be approved by the department head responsible therefor. The payroll may be paid to the employees by the treasurer without prior council approval but same must be presented to council at its next regular meeting for approval.

2-15.10 *Payroll Account Established.* This section shall provide for the establishment of a payroll account and the borough council may thereafter by resolution prescribe the manner in which payroll checks shall be drawn, who shall sign the same, and the dates on which payment shall be made. In addition, the local unit may, if it so elects, adopt a resolution providing for the bi-weekly payment of salaries and wages and compensation..

2-15.11 *Reimbursement of Expenses.* In the case of reimbursement, or actual and necessary traveling expense, itemized claims supported by receipts where available should be presented in order to obtain reimbursement for expenses incurred by local officials where authorized to travel by the municipality.

2-16 Deputy Borough Clerk.

Pursuant to N.J.S.A. 40A:9-135 there is hereby created the office of deputy borough clerk to serve in the place of the borough clerk in the event that the borough clerk shall be absent from the borough for more than 24 hours. The deputy borough clerk shall have the same power, duties and authority as the borough clerk and shall be a resident of the borough.

2-17 Fire Insurance Proceeds.

2-17.1 *Payment of Claims; Certificate of Search.* No insurer issuing fire insurance policies in the State of New Jersey shall pay any claims for fire damages in excess of two thousand five hundred (\$2,500.00) dollars on any real property located within the borough unless or until the insured person submits an official certificate of search for municipal liens pursuant to N.J.S.A. 54:5-12 certifying that all taxes, assessments or other municipal liens or charges, levied and assessed and due and payable against said property have been paid or the borough council of the borough submits a certified copy of a resolution adopted pursuant to subsection 2-17.3 of this section. Any request pursuant to this section for an official certificate of search for municipal liens shall specify that the search concerns fire damaged property.

2-17.2 *Effective Date.* This section shall apply to and be effective against any fire insurance policy issued or renewed after the adoption hereof and after the filing of this ordinance with the State Commissioner of Insurance pursuant to N.J.S.A. 17:36-9.

2-17.3 *Resolution of Agreement by Council.* The borough council of the borough may enter into an agreement with the owner of any fire damaged property to pay in full all delinquent taxes, assessments or other municipal liens by installments pursuant to N.J.S.A. 54:5-19 or for the redemption of the tax sale lien by installment payments pursuant to N.J.S.A. 54:5-65 et seq., if the borough council is satisfied that the claim for fire damages is to be used to restore or improve the fire damaged property. An insurance company receiving a certified copy of a resolution of such agreement from the borough council is authorized to make full payment on the claim to the insured person.

2-17.4 *Payment to Borough by Insurance Company Appeal.* Unless a resolution is received in accordance with N.J.S.A. 17:36-11 by an insurance company writing fire insurance policies in any municipality having adopted an ordinance pursuant to N.J.S.A. 17:36-9, such insurance company is hereby authorized and required, prior to the payment of any claims for fire damages in excess of two thousand five hundred (\$2,500.00) dollars, to pay to the municipality the amount of the liens appearing on the official certificate and such other recorded liens or related charges as may be certified to the insurance company; provided, however, that if an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of real property pursuant to R.S. 54:3-21, the insurance company shall issue a draft payable to the court of record, to be held by the court in an interest bearing escrow account in a banking institution or savings and loan association in the

State, in an amount totaling 75 percent of the full amount of the lien or charge being contested but not to exceed the proceeds payable under its insurance policy, and the insurance company shall issue a draft payable to the municipality for the remaining 25 percent of the lien or charge being contested, with the full amount paid by the insurance company to the court and the municipality not to exceed the proceeds payable under its insurance policy pending termination of all proceedings, at which time such moneys and all interest accruing thereon at a rate paid on interest bearing accounts in banking institutions or savings and loan associations in the State, shall be disbursed in accordance with the final order or judgment of the court.

2-17.5 *Municipal Claim to be Paramount.* A municipal claim made in accordance with the provisions of N.J.S.A. 17:36-8 et seq. shall be paramount to any other claims on the proceeds of the fire insurance policy, except the claim of the holder of a purchase money mortgage held as a first mortgage or an institutional lender which is a holder of a mortgage on the fire damaged property, where the fire insurance policy at the time of the loss listed the mortgagee as the holder of an insurable interest, in which event the claim of the mortgagee to the proceeds shall be paramount to the municipal lien under N.J.S.A. 17:36-8 et seq. only to the extent of the amount due and payable to the mortgagee under the mortgage contract. As used in this paragraph, "institutional lender" shall mean any bank, savings bank, State or Federally chartered savings and loan association, or insurance company.

2-17.6 *Exceptions.* Nothing in N.J.S.A. 17:36-8 et seq. shall be construed:

- a. To obligate an insurance company for any amount in excess of the proceeds payable under its fire insurance policy;
- b. Except as provided in the case of appeals, N.J.S.A. 17:36-10, to obligate the insurance company for any liens not appearing on the official certificate or any certified changes submitted by the bonded official; or
- c. To affect the authority of a municipality to enforce a municipal lien under any other law of this State.

2-18 Chief Financial Officer.

2-18.1 *Position Created.* The office of chief financial officer is hereby created in and for the Borough of Little Silver by and subject to the provisions of this section, and the employment of a person to fill such office is hereby authorized.

2-18.2 Qualifications; Term; Appointment.

a. The person appointed to the office of chief financial officer shall be qualified in accordance with the requirements of P.L. 1988, C.110 and shall hold office for a term not exceeding one year or beyond December 31 of the year of his or her appointment. However, if no replacement has been appointed to fill the office after December 31 of the year of the appointment, said person shall continue to serve until his or her services are terminated by vote of the governing body. The mayor shall nominate and, with the advice and consent of the council, appoint the chief financial officer. Such nomination shall be made at the annual organizational meeting of the governing body. If the mayor fails to nominate a person within 30 days of the organizational meeting or the council fails to confirm any nomination made by the mayor, then, after the expiration of said 30 days, the council shall appoint the chief financial officer. No appointment shall be made except by vote of a majority of the members of the council present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the mayor to have no vote thereon except in case of a tie. This procedure for the appointment of a chief financial officer, upon the nomination by the mayor and confirmation by the council, shall also apply in the event of a vacancy in the office, with the mayor being obligated to make a nomination within 30 days from the date of the vacancy.

b. The person nominated to serve as chief financial officer pursuant to the terms of this section, and to serve until December 31, 1989, shall be nominated by the mayor, with the advice and consent of the council. The mayor shall make such nomination within thirty days from the effective date of this section. If the mayor fails to nominate within said 30 days or the borough council fails to confirm any nomination made by the mayor, then, after the expiration of said 30 days, the council shall appoint the chief financial officer. No appointment shall be made except by vote of a majority of the members of the council present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the mayor to have no vote thereon except in case of a tie.

2-18.3 Compensation. The chief financial officer shall receive such compensation as shall be fixed from time to time by the borough council in a salary ordinance.

2-19 BOROUGH OF LITTLE SILVER ORDINANCES

2-18.4 *Powers and Duties.* The person appointed to the office of chief financial officer shall have such powers and duties as may be established and provided by the laws of the State of New Jersey, including, but not limited to N.J.S.A. 40A:9-140.1 et seq. and N.J.S.A. 52:27BB-26 et seq., as may be amended and supplemented from time to time.

2-19 Municipal Ethics Board.

2-19.1 *Established.* There shall be a municipal ethics board in and for the borough in accordance with the provisions of Chapter 29, Laws of New Jersey 1991 (R.S. 40:23-6.51 et seq.).

2-19.2 *Membership.* The municipal ethics board shall consist of six members who are residents of the municipality, at least two of whom shall be public members. The members of the ethics board shall be appointed by the governing body of the municipality. The members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three members of the ethics board shall be of the same political party.

2-19.3 *Term.* The members shall serve for a term of five years; except that of the members initially appointed, two of the public members shall be appointed to serve for a term of five years, one member shall be appointed to serve for a term of four years, and the remaining members shall be appointed to serve for a term of three years. Each member shall serve until his successor has been appointed and qualified. Any vacancy occurring in the membership of the ethics board shall be filled in the same manner as the original appointment for the unexpired term.

2-19.4 *Chairperson.* The members of the municipal ethics board shall annually elect a chairman from among the membership.

2-19.5 *Compensation, Facilities, Expenses and Personnel.*

a. Members of the ethics board shall serve without compensation but shall be reimbursed by the municipality for necessary expenses incurred in the performance of their duties under this section.

b. The governing body of the municipality shall provide the municipal ethics board with offices for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.

c. All necessary expenses incurred by the municipal ethics board and its members shall be paid, upon certification of the chairman, by the municipal treasurer within the limits of funds appropriated by the municipal governing body by annual or emergency appropriations for those purposes.

d. The municipal ethics board may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of this section within the limits of funds appropriated by the municipal governing body for those purposes.

2-19.6 *Municipal Code of Ethics.* Within 90 days after the establishment of a municipal ethics board, that ethics board shall promulgate by resolution a municipal code of ethics for all local government officers and employees serving the municipality. Local government officers and employees serving a municipal independent authority shall be deemed to be serving the municipality for purposes of this act.

The municipal code of ethics so promulgated shall be either identical to the provisions set forth in section 5 of the Local Government Ethics Act this section or more restrictive, but shall not be less restrictive within 15 days following the promulgation thereof, the municipal code of ethics, and a notice of the date of the public hearing to be held thereon, shall be published in at least one newspaper circulating within the municipality and shall be distributed to the municipal clerk and to the heads of the local government agencies serving the municipality for circulation among the local government officers and employees serving the municipality. The municipal ethics board shall hold a public hearing on the municipal code of ethics not less than 30 days following its promulgation at which any local government officer or employee serving the municipality and any other person wishing to be heard shall be permitted to testify. As a result of the hearing, the ethics board may amend or supplement the municipal code of ethics as it deems necessary. If the municipal code of ethics is not identical to the provisions set forth in section 5 of the Local Government Ethics Act, the municipal ethics board shall thereafter submit the municipal code of ethics to the Local Finance Board for approval. The board shall approve or disapprove a municipal code of ethics within 60 days following receipt. If the board fails to act within that period, the municipal code of ethics shall be deemed approved. A municipal code of ethics requiring board approval shall take effect for all local government officers and employees serving the municipality 60 days after approval by the board. A municipal code of ethics identical to the

2-19 BOROUGH OF LITTLE SILVER ORDINANCES

provisions set forth in section 5 of the Local Government Ethics Act shall take effect ten days after the public hearing held thereon. The municipal ethics board shall forward a copy of the municipal code of ethics to the municipal clerk and shall make copies of the municipal code of ethics available to local government officers and employees serving the municipality.

2-19.7 *Powers of the Board.* A municipal ethics board shall have the following powers:

a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the municipal code of ethics or financial disclosures requirement by local government officers or employees serving the municipality;

b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing;

c. To forward to the county prosecutor or the Attorney General or other governmental body any information concerning violations of the municipal code of ethics or financial disclosure requirements by local government officers or employees serving the municipality which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General;

d. To render advisory opinions to local government officers or employees serving the municipality as to whether a given set of facts and circumstances would constitute a violation of any provision of the municipal code of ethics or financial disclosure requirements;

e. To enforce the provision of the municipal code of ethics and financial disclosure requirements with regard to local government officers or employees serving the municipality and to impose penalties for the violation thereof as are authorized by this section; and

f. To adopt rules and regulations and to do other things as are necessary to implement the purposes of this section.

2-19.8 *Advisory Opinions.* A local government officer or employee serving the municipality may request and obtain from the municipal ethics board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the municipal code of ethics or any financial disclosure requirements. Advisory opinions of the municipal ethics board shall not be made public, except when the ethics board by the vote of two-thirds of all of its members directs that the opinion be made public. Public advisory opinions shall not disclose

the name of the local government officer or employee unless the ethics board in directing that the opinion be made public so determines.

2-19.9 *Complaints and Proceedings.* The municipal ethics board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee serving the municipality is in conflict with the municipal code of ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. The ethics board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the ethics board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the local government officer or employee against whom the complaint was filed. Otherwise the ethics board shall notify the local government officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the ethics board with any statement or information concerning the complaint which he wishes. Thereafter, if the ethics board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the municipal code of ethics or any financial disclosure requirements, it shall conduct a hearing in the manner prescribed by section 12 of the Local Government Ethics Act, concerning the possible violation and any other fact and circumstances which may have come to its attention with respect to the conduct of the local government officer or employee. The ethics board shall render a decision as to whether the conduct of the officer or employee is in conflict with the municipal code of ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the ethics board.

If the ethics board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitations of this section. A final decision of the ethics board may be appealed to local finance board within 30 days of the decision.

All statements, complaints, requests or other written materials filed pursuant to this section, and any rulings, opinions, judgments, transcripts or other official papers prepared pursuant to this section shall be preserved for a period of at least five years from the date of filing or preparation, as the case may be.

2-20 BOROUGH OF LITTLE SILVER ORDINANCES

2-20 Miscellaneous Fees.

2-20.1 *Checks Returned for Insufficient Funds.* Any check or other written instrument for any account owing to the Borough of Little Silver which is returned for insufficient funds shall be subject to a twenty (\$20.00) dollars service charge in accordance with P.L. 1990, Chapter 105 (N.J.S.A. 40:5-18).

2-20.2 *Duplicate Tax Bills.* As authorized by P.L. 1990, c. 69, 9 (N.J.S.A. 54:4-6d) and subject to the provisions of N.J.A.C. 5:33-4.8, any individual, mortgagee tax servicing organization or property tax processing organization requesting a replacement duplicate tax bill shall pay a fee of five (\$5.00) dollars for the initial copy of the tax bill and twenty-five (\$25.00) dollars for each subsequent copy of the tax bill for the same tax year requested by the same person or organization.

2-20.3 *Police Department, Library, General and Land Use Manual Fees.* The following fees and costs shall be charged:

- a. Police Department.
 - \$ 2.00 each hand gun purchase application
 - \$ 1.00 each bicycle registration permit
 - \$ 75.00 video duplication
- b. Library.
 - \$20.00 annual nonresident library membership fee
 - \$ 2.00 per day overdue videos, DVD's
 - \$.05 per day overdue books, audio-tapes and periodicals
- c. General.
 - \$.75 per page for first 10 pages- photocopy fees
 - \$.50 per page for next 10 pages- photocopy fees
 - \$.25 per page thereafter- photocopy fees
 - \$ 25.00 per tape - audio tape duplication
 - \$ 1.00 each 3"x5" photograph copied
 - \$ 7.00 each 8"x10" photograph copied
 - \$ 13.00 each 11"x14" photograph copied
 - \$300.00 each advertisement space - Little Silver Newsletter
- d. Land Use Manuals.
 - \$25.00 Master Plan
 - \$50.00 Land Use Ordinance Book
 - \$15.00 Zoning District Regulations
 - \$ 1.00 Zoning Maps

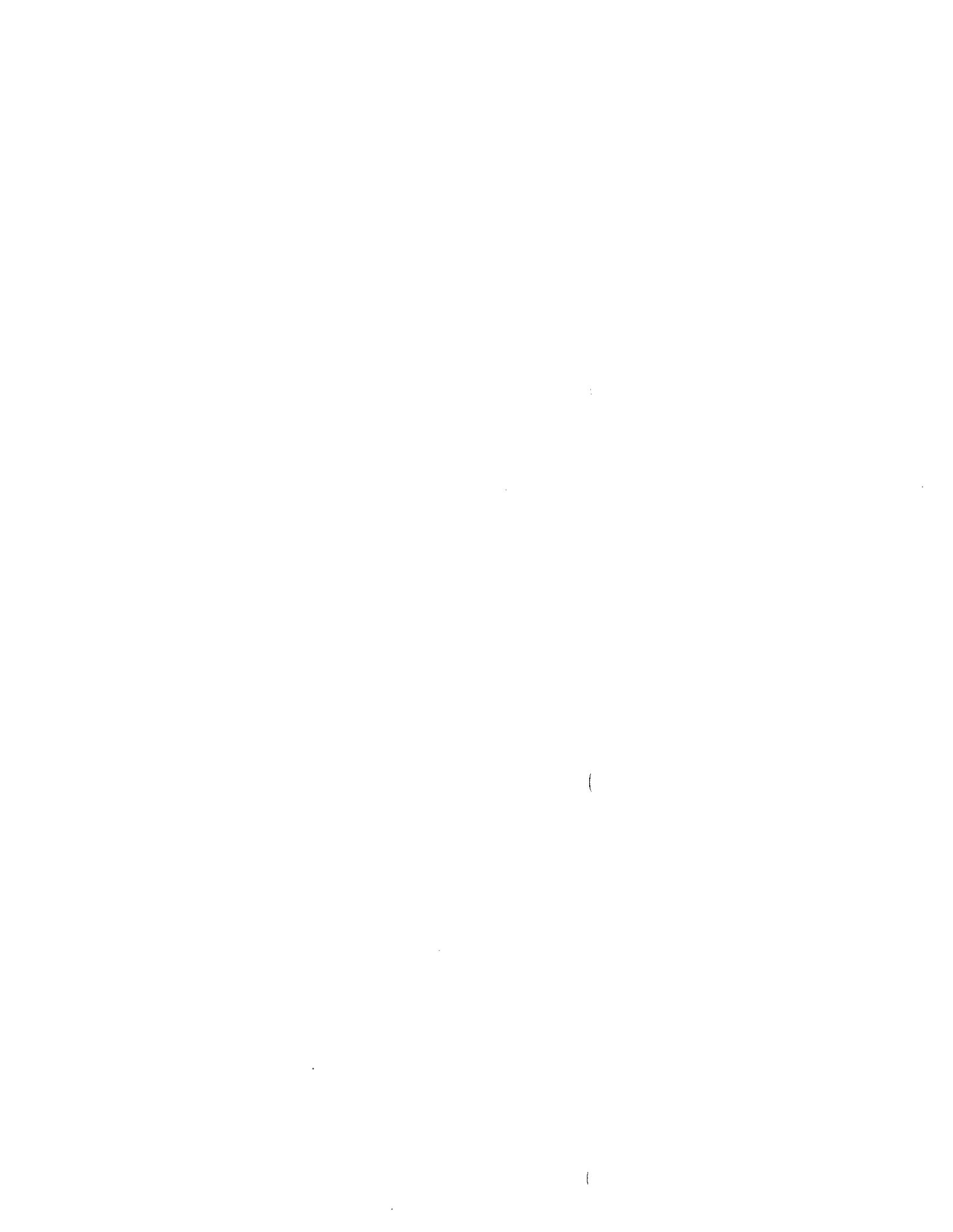
ADMINISTRATIVE

2-21

2-21 Political Fundraising Prohibitions.

2-21.1 *Title.* This section bans the use of government buildings and government equipment for political fundraising.

2-21.2 *Purpose.* Political contributions have a profound impact on government decision making. New Jersey law does not appear to



presently ban solicitations or acceptance of political contribution by public office holders and employees while on public property or by use of public facilities. A conflict of interest may arise between the business of political fundraising and the business of government on government owned premises, which may cause a distraction from the people's business. The most appropriate method to prevent this conflict and to insure the integrity of government decisions is the prohibition of political fundraising on or by use of public property. The paramount public interest in a clean and accountable government requires the prohibition of political fundraising on public property or by use of public facilities.

2-21.3 *Definitions.*

"Candidate" shall mean any individual seeking election to a public office of the federal government, state, county, municipality, school district or political organization at an election.

"Municipality" shall mean this municipality and any municipal officer, department, board, commission, or agency thereof.

"Municipal official, employee and appointee" shall mean any person holding elective municipal office or holding an appointed position in the municipal government, or in any agency, commission, board, or office thereof, whether the position is full time or part time, compensated or uncompensated; and any employee of municipal government or in any agency, commission, board, or office thereof, whether the position is full time or part time.

"Political Contributions" shall mean and include all loans and transfers of money or other thing of value to or by any candidate elected official or political organization and all pledges or other commitments or assumptions of liability to make any such transfer. Political contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.

"Political Organization" shall mean any two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for federal, state, county, municipal or school board office. Political organization includes, but is not limited to, organizations otherwise defined as "political committee," "joint candidates committee," and "legislative leadership committee."

"Property of the Municipality" shall mean buildings, land, vehicles, phones, fax machines, computers or other office equipment or supplies

2-21 BOROUGH OF LITTLE SILVER ORDINANCES

and other real or personal property owned, leased or controlled by the municipality, except for public roads and open park land.

"Solicit" shall mean to seek by oral or written communication a political contribution as same is defined herein.

2-21.4 General Regulations.

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

b. Prohibited forms of political fundraising. Prohibited forms of political fundraising shall include but are not limited to:

1. Soliciting or accepting political contributions using municipal telephones, fax machines or computers.

2. Soliciting or accepting political contributions using personal telephones while on the property of the municipality.

3. Soliciting or accepting political contributions through the use of publicly owned computers or privately-owned personal computers while on the property of the municipality.

4. Using municipal letterhead to solicit or accept political contributions.

5. Sending correspondence from municipal buildings or by use of municipal services, equipment or postage.

6. Face-to-face soliciting of an individual or an owner or representative of a business entity while on the property of the municipality.

7. Use of automobiles owned or leased by the municipality to accept or solicit political contributions.

c. Reporting requirements. It shall be the responsibility of any employee, appointed, or elected official who observes any prohibited forms of fundraising to report such conduct to the municipal ethics board, if one exists, or in the alternative, to the municipal prosecutor and the municipal clerk who shall report same to the governing body.

d. Whistleblower provision. It shall be unlawful for any employee, elected official or appointee to be dismissed, reprimanded, retaliated against or otherwise intimidated for complying with the reporting requirements mandated by this section.

2-22 Open Space Trust Fund.

2-22.1 *Establishment of Open Space Trust Fund.* There is hereby established an account which shall be known and designated as the Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund, which shall be used exclusively for those purposes authorized by the voters of the Borough of Little Silver.

2-22.2 *Funding.* The Open Space Trust Fund shall be funded through the dedication to the fund of an amount as determined from time to time by the registered voters of the borough pursuant to N.J.S.A. 40:12-15.7. Donations and testamentary bequests made for the purposes enumerated in N.J.S.A. 40:12-12.7 shall be deposited in this trust fund. Any interest or other income earned on monies deposited into the trust fund shall be credited to the fund to be used for the same purposes as the principal.

2-22.3 *Use of Funds.* Funds accumulated in the trust fund may be utilized, as directed by the borough council, for costs incurred in connection with the acquisition, development and maintenance of land, easements and development rights for open space, recreation, and farmland and historic preservation purposes, including costs and expenses associated therewith, including but not limited to appraisal, survey, title search, environmental assessment and legal fees, or for the payment of debt service on indebtedness issued or incurred for any of the aforesaid purposes.

2-22.4 *Sale or Lease of Property Acquired.* Any property acquired with funds from the Open Space Trust Fund may be leased or sold in accordance with any applicable law, provided the proceeds of said lease or sale are deposited into the trust fund as required by N.J.S.A 40:12-15.9.

2-23 Facilities Use Policy.

2-23.1 *Purpose.* To provide a policy and procedure for the application for use of municipal buildings and grounds by groups and organizations.

2-23.2 Definitions.

"Borough-based group or organization" shall mean any group or organization whose membership is comprised of 75 percent or more

2-23 BOROUGH OF LITTLE SILVER ORDINANCES

Little Silver residents. In determining whether a group is comprised of a 75 percent majority of borough residents, all members or team players in the league will be counted. For travel and/or tournament teams, or one-time events, only home team players will be counted.

"Limited use facilities" shall mean the facilities defined herein which are used primarily for one organization or entity, the use by which takes precedence over all other requests for use.

"Public facilities" shall mean all public parks, fields, building and facilities, both indoor and outdoor, within the borough which are owned, used or controlled by the borough for recreation, meetings, expositions, social functions and similar activities.

2-23.3 *General Provisions.*

a. Any group or organization, except as prohibited herein, may be permitted to use public and limited use facilities subject to the following rules and regulations:

1. Any group wishing to use a public facility or limited use facility shall submit a written application, signed by a person over the age of 21, to the borough administrator at least 30 days prior to the desired use date. The application shall include the name and address of the organization, the names and addresses of organization officers and/or trustees, the purpose of the meeting, the expected number of attendees, the facility of which use is requested. The time limit may be waived for good cause by the borough administrator.

2. All groups using a public facility or limited use facility shall execute an indemnity and waiver agreement prior to use of the facility waiving and relinquishing all claims and causes of action of every kind which they have or may have against the borough arising out of the use of such facility. All groups must indemnify the borough for any and all liability of loss, and against all claims or actions based upon or arising out of damage or injury to persons or property caused by or sustained in connection with the group's use of the facility, and the defense of any such claims or action. The agreement must be signed by a person over 21 years of age.

3. All for-profit groups requesting meetings in public facilities or limited use facilities shall provide proof of general liability and property damage insurance in an amount not less than one million (\$1,000,000.00) dollars. For nonprofit organizations and groups, the organization or group shall provide proof of general liability and property damage insurance in an amount not less than five hundred (\$500,000.00) dollars. The insurance shall name the borough as an additional insured for the duration of the use of the facility. For good

cause shown, the mayor and council may waive this requirement for any applicant.

4. All groups are responsible for setup and cleanup of the facility and responsible for the cost of repair and/or damage to the facility. Chairs and tables shall be returned to their original positions and lights and air conditioning/heating shall be turned off or adjusted as directed or posted at the facility.

5. Any group requesting use of the facility for a single use shall deposit two hundred (\$200.00) dollars as a cleaning and property damage deposit at least seven (7) days prior to the use date. Any group requesting use of the facility on an annual basis shall deposit two hundred (\$200.00) dollars as a cleaning and property damage deposit which shall be held in an escrow account. The deposit will be returned by the borough administrator upon satisfactory inspection of cleanliness and condition following the use.

6. A record book shall be kept in the administrative offices of the borough for purposes of scheduling use and for a record of use of municipal buildings and grounds.

7. Keys for indoor and/or secure facilities shall be signed out and obtained by the applicant from the borough police dispatcher and shall be returned promptly following use of such facility to the borough police dispatcher.

8. No alcoholic beverages may be served in or at any public facility or limited use facility, unless specifically permitted by the borough.

9. No smoking is permitted in or at any indoor public facility or limited use facility.

10. No fireworks or pyrotechnics shall be permitted in or at any public facility or limited use facility.

11. The group or organization, its members, guests and invitees shall follow all the laws of the State of New Jersey and all the ordinances of the borough including, but not limited to, fire regulations and occupancy limits.

12. The mayor and council may revoke permission granted to any group or organization for failing to follow any applicable laws, ordinances and regulations.

13. Youth groups and organizations shall be supervised by one person 21 years of age or older per ten persons under the age of 21 years.

14. Application for use of facilities shall be on a first come first serve basis, unless as otherwise set forth for limited use facilities.

2-23 BOROUGH OF LITTLE SILVER ORDINANCES

15. Any use of any indoor public facility or limited use facility shall cease by 12:00 midnight Friday and Saturday nights and 10:00 p.m. all other nights, unless specifically permitted by the Borough. Any use of any outdoor public facility or limited use facility shall cease by sunset.

16. Groups or organizations granted the use of public facilities or limited use facilities, if deemed necessary by the borough, in its sole discretion, shall be required to provide, at its sole cost, policing and/or traffic control in connection with its use of a public facility or limited use facility.

17. Public facilities or limited use facilities shall not be used for any purpose prohibited by law.

2-23.4 *Supervision of Use.*

a. Groups or organizations granted the use of public facilities or limited use facilities are responsible for the proper supervision of all members, guests and invitees. Any members, guests and invitees under the age of 21 years shall not be left unattended at any time.

b. Groups or organizations granted the use of public facilities or limited use facilities shall be held responsible for any personal injury or property damage resulting from the lack of or inadequate supervision of members, guests and invitees.

2-23.5 *Limited Use Facilities.* The following are designated limited use facilities together with groups having priority in the use of those limited use facilities:

a. **Woman's Club Building:** Priority shall be granted to use by the Woman's Club of Little Silver, the Evening Membership Department of the Woman's Club, the Junior Woman's Club of Little Silver, the Garden Club, and the Little Silver Seniors, in accordance with each group's bylaws and regulations.

b. Borough Hall may be used only for official government activities, meetings of the mayor and council, or meetings of boards, commissions, committees or entities created by act of the mayor or council, subject to the requirements of the Open Public Meetings Act.

c. Borough Library may only be used for library purposes except as authorized by the mayor and council.

2-23.6 Application Procedure.

a. Applications for permits are required for the use of indoor public facilities and limited use facilities, and for the use of outdoor public facilities and limited use facilities for organized sports activities, contests, picnics and any other organized event or gathering.

b. Applications are not required for the unreserved use of parks, fields, playgrounds and open space areas. However, a group or organization that has reserved a particular facility and is in possession of an approved facility use permit for the same will receive priority over a group or organization lacking such a permit.

c. Applications for the use of any public facility or limited use facility shall be obtained in person at the borough clerk's office. Completed applications shall be submitted to the borough administrator at least 30 days prior to the desired use date.

d. Applications for use of public facilities or limited use facilities for athletic events may be granted for a maximum of six months and nonathletic events for a maximum of one year. It is the applicant's responsibility to file a new application upon expiration.

e. All applications shall be approved by the borough council.

2-23.7 Priority of Use. Applications for the use of public facilities will be scheduled on a first come first serve basis. When more than one complete application is received for the same date(s), the following priority order will apply. In all instances, priority is given to residents of the borough and borough-based groups or organizations. A team/league roster with the name and home address of each participant must be submitted with all applications in order to determine residency priority.

a. Meetings or events directly sponsored by the borough, borough departments and/or employees for municipal purposes.

b. Meetings of borough advisory boards, commissions and committees.

c. Meetings held for the discussion of borough issues.

d. Youth recreational activities or service organizations.

e. Adult member organizations.

2-24 BOROUGH OF LITTLE SILVER ORDINANCES

2-23.8 *Schedule of Fees.*

a. Fees for use of public facilities and limited use facilities shall be established by resolution of the borough council on an annual basis.

b. Borough employees and members of the borough's volunteer fire and first-aid squads shall be exempt from all fees for the use of any public facility or limited use facility.

c. Any borough-based group or organization possessing a tax exempt status, evidenced by the furnishing of a tax exemption number provided by the State of New Jersey and/or the government of the United States, shall be exempt from all fees for the use of any public facility or limited use facility.

2-24 **Length of Service Awards Program (LOSAP).**

a. Purpose. The purpose of this section is to establish a length of service awards program (LOSAP) for active volunteer members of the borough's emergency service organizations. The LOSAP program is designed to enhance the ability of the borough to provide fire and first aid protection and help the fire and first aid squads recruit and maintain membership.

b. Program Established. Pursuant to N.J.S.A. 40A:14-183, there is hereby established, within the Borough of Little Silver, an emergency services volunteer length of service award program, hereinafter referred to as LOSAP.

c. The LOSAP program shall provide for the fixed annual contribution to a tax deferred income account for each eligible volunteer for fire and first aid members that satisfies the criteria set forth in this Act.

d. The LOSAP program shall provide for an annual contribution for each eligible volunteer member who accumulates 50 points during a calendar year pursuant to a point system attached hereto and made part hereof.*

e. The annual contribution amount for each year of future service for each eligible volunteer member shall be one million one hundred fifty thousand (\$1,150,000.00) dollars. The estimated annual cost of this provision of the LOSAP program shall be based on 70 members, for a total cost of eighty thousand five hundred (\$80,500) dollars.

*Editor's Note: The point system referred to herein may be found at the end of this section.