Revised General Ordinances
of the
Borough
of
Point Pleasant
COUNTY OF OCEAN
STATE OF NEW JERSEY
1985

Amended through April 4, 2000

 CONTAINS CHAPTERS I THROUGH XXII,
WITH THE EXCEPTION OF CHAPTER XIX.

CHAPTER XIX, LAND DEVELOPMENT, IS AVAILABLE IN BOOKLET FORM
AT THE MUNICIPAL OFFICES.

CODED SYSTEMS LLC
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CHAPTER I
GENERAL *

1-1 SHORT TITLE.

This book shall be known and may be cited as “The Revised General Ordinances of the Borough of Point Pleasant (1985),” and is herein referred to as the “Code.” (New)

1-2 DEFINITIONS.

For the purpose of this Code, and in the interpretation and application of all other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

Borough shall mean the Borough of Point Pleasant in the County of Ocean and State of New Jersey.

Borough Council or Council shall mean the governing body of the Borough, constituted and elected pursuant to law.

Clerk or Borough Clerk shall mean the municipal clerk duly appointed pursuant to law.

Department shall mean an organizational unit of the Borough government established or designated by ordinance or this code as a department, together with any agency or instrumentality of the Borough government assigned to such organizational unit by the Borough Council.

Licensed shall mean licensed in accordance with the appropriate section or chapter of this Code.

Month shall mean a calendar month unless otherwise specifically provided.

Oath shall be construed to include an affirmation where an affirmation may be substituted for an oath. In such cases, the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

Officer or Official and the title of an officer or official shall be construed as if the words “of the Borough of Point Pleasant” followed it.

Ordinance shall mean any act of local legislation heretofore or hereafter adopted, and including this Revision, so long as it shall have been adopted by the procedure required for the adoption of an ordinance and so long as it shall remain in force and effect pursuant to law.

Owner shall mean any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

*R.S. 40:49-1 “Ordinance” and “resolution” defined. the term “ordinance” when used in this section means and includes any act or regulation of the governing body of any municipality required to be reduced to writing and read at more than one meeting thereof and published. The term “resolution” when used in this section means and includes any act or regulation of the governing body of any municipality required to be reduced to writing, but which may be finally passed at the meeting at which it is introduced.
Person shall mean any individual, natural person, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, corporations or unincorporated groups; or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law.

Personal property shall mean goods and chattels, rights and credits, moneys and effects, evidences of debt, and all written instruments by which any right to, interest in, or lien or encumbrances upon, property or any debt or financial obligation as created, acknowledged, evidenced, transferred, discharged or defeated, in whole or in part, and every thing, except real property as herein defined, which may be the subject of ownership.

Preceding and following shall mean next before and next after, respectively.

Property shall mean real and personal property.

Public grounds, public squares, public place or public places shall severally be construed to mean any and every public ground, public square, public park, or other public place within the Borough.

Real property shall include lands, tenements and hereditaments, all rights thereto and interests therein.

Resolution shall mean and include any act or regulation of the Borough Council required to be reduced to writing, but which may be finally passed at the meeting at which it is introduced.

Sidewalk shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Street shall include a street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, sidewalk and crosswalk, and every class of road, square, place or municipal parking field used by the general public.

Tenant or occupant applied to a building or land, shall include any person who occupies the whole or a part of such buildings or lands, either alone or with others.

Week shall mean seven (7) days.

Year shall mean a calendar year unless otherwise specifically provided.

(New)

1-3 CONSTRUCTION.
For the purpose of this Code and any other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

The present tense includes the past and future tenses and the future, the present.

The masculine gender includes the feminine and neuter.

The singular number includes the plural and the plural, the singular.

“Shall” is mandatory and “may” is permissive.

The time within which an act is to be done shall be computed by excluding the first and including the last day and if the last day be a Sunday, or a legal holiday, that day shall be excluded.
“Writing” and “written” shall include printing, typewriting and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting.

“Chapter” shall mean one of the major divisions of this Code identified by a Roman numeral, and divided by subject matter.

“Section” shall mean a major subdivision of a chapter.

“Subsection” shall mean a subdivision of a section, identified by a decimal number.

“Paragraph” shall mean a subdivision under a subsection, identified by an alphabetical letter and/or Arabic number.

Whenever a specific time is used in this Revision, it shall mean the prevailing and established time in effect in the State of New Jersey during any day in any year.

Any citation of a statute, law or ordinance contained in this Revision shall be deemed to refer to such statute, law or ordinance as amended, whether or not such designation is included in the citation.

(New)

1-4 SEVERABILITY.

If any chapter, section, subsection or paragraph of this Code shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining chapters, sections, subsections or paragraphs of this Code. (New)

1-5 GENERAL PENALTY.

1-5.1 Maximum Penalty. For violation of any provision of this Code, or any other ordinance of the Borough of Point Pleasant, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be one or more of the following: a fine not exceeding one thousand ($1,000.00) dollars or imprisonment in the County Jail for a period not exceeding ninety (90) days, or to a period of community service not exceeding ninety (90) days. (New; N.J.S.A. 40:49-5)

1-5.2 Separate Violations. Except as otherwise provided, each and every day in which a violation of any provision of this Code or any other ordinance of the Borough exists shall constitute a separate violation. (New)

1-5.4 Application. The maximum penalty stated in the general penalty clause of this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation. (New)

1-5.4 Minimum Penalty. The Borough Council may prescribe that, for the violation of any particular Code, provision or ordinance, at least a minimum
penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred ($100.00) dollars. (New)

1-6 REGULATIONS PERTAINING TO THE REVISED GENERAL ORDINANCES.

1-6.1 Amendments. Any and all additions, amendments or supplements to the Revised General Ordinances of the Borough of Point Pleasant, when passed and adopted in such form as to indicate the intention of the Mayor and Borough Council to be a part thereof, shall be deemed to be incorporated into the Code, so that reference to “The Code of the Borough of Point Pleasant,” or “The Revised General Ordinances of the Borough of Point Pleasant” 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 inserted in the loose-leaf book containing the Code, as amendments and supplements thereto. (Ord. #368, S 1-8)

1-6.2 Maintaining Code Up-to-Date. It shall be the duty of the Borough Clerk or someone authorized and directed by the Borough Clerk to keep up-to-date the certified copy of the book containing the Revised General Ordinances of the Borough of Point Pleasant, which is required to be filed in the office of the Borough Clerk for the use of the public. All changes in Revised General Ordinances and all ordinances adopted by the Mayor and Council subsequent to the effective date of this codification which the Mayor and Borough Council shall adopt specifically as a part of the Revised General Ordinances, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to this Code, at which time such supplements shall be inserted therein. (Ord. #368, S 1-9)

1-6.3 Sale of Revised General Ordinance Book. Copies of the book containing the Revised General Ordinances of the Borough of Point Pleasant, may be purchased from the Borough Clerk upon the payment of a fee to be set by resolution of the Mayor and Borough Council, who shall also arrange for procedures for the periodic supplementation thereof. (Ord. #368, S 1-10)

1-6.4 Altering or Tampering with the Revised General Ordinances; Penalties for Violation. It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion thereof, or to alter or tamper with the Revised General Ordinances of the Borough of Point Pleasant in any manner whatsoever, which will cause the law of the Borough to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to the penalty stated in Section 1-5. (Ord. #368, S 1-14)
CHAPTER II
ADMINISTRATION*

2-1 CHAPTER TITLE.
This Chapter shall be known and may be cited as the Administrative Code of the Borough of Point Pleasant (New; Ord. #872, S 2)

2-2 BOROUGH COUNCIL

2-2.1 Organization of Borough Council. The Council shall consist of the Mayor and six (6) councilmen elected at large in the Borough, all of whom shall be elected and take office in the manner provided by law. The term of office shall commence January 1 next following their election. (New; Ord. #872, S 2)

2-2.2 Rules of Council. The Council shall by ordinance adopt rules or procedure not inconsistent with this Code. The rules shall provide for standing committees of the Council. (New; Ord. #872, S 2)

2-2.3 Ordinances and Resolutions. Council shall take appropriate action to insure that ordinances and resolutions of the preceding year are compiled and codified. (New; Ord. #872, S 2)

2-2.4 Vacancies. Whenever a vacancy occurs in the membership of the governing body, the vacancy shall be filed in accordance with the provisions of the Municipal Vacancy Law, N.J.S. 40A:16-1 et seq. (New; Ord. #872, S 2)

2-2.5 Qualifications. Every person appointed by the Borough Council or by the Governor to fill a vacancy, either for the unexpired term or temporarily, shall have the qualifications required by statute to permit the appointee to qualify for election to the office, and if the previous incumbent had been elected to office as the nominee of a political party, the person so appointed shall be of the same political party. (New; Ord. #872, S 2)

2-3 COUNCIL BYLAWS.

2-3.1 Use of Robert’s Rules of Order. The meetings of the Council shall be governed by Robert’s Rules of Order so far as the same do not conflict with these bylaws or with the statutes of the State of New Jersey governing boroughs and municipalities generally. (Ord. #530, S 2A:9-7; Ord. #872, S 2)

*Borough of Point Pleasant is governed under the Borough form of government outlined in Chapter 86-94 of Title 40 of the Revised Statutes. The administrative code has been drafted in conformity with the Borough law and in many instances provisions have been restated. Other enabling laws relevant to this Chapter are R.S. 2A:9-7, et seq., Municipal Court; R.S. 26:3-1 et seq., Board of Health; R.S. 40:55D-69, Zoning Board of Adjustment; R.S. 40:55D-23, Panning Board; R.S. 40:47-1, Police Department and Fire Department; R.S. 40:56A-1, Environmental Commission; and R.S. 40:48-2, General Authority to Regulate the Internal Affairs of the Borough.

For salary grades and ranges, wages, compensation and fees of all officers and employees of the Borough, see annual salary ordinances of the Borough. Such ordinances are not included in these Revised Ordinances, but are saved from repeal. See Adopting Ordinance.
2-3.2 Responsibilities of Mayor and Council.

a. **Duties of Mayor.**

1. The Mayor shall preside over the meetings of the Council. He shall also participate in the determination of Borough affairs to the extent permitted by statute and by these bylaws and shall see that the laws of the State and the ordinances of the Borough are faithfully executed. He shall recommend to the Council such measures as he may deem necessary or expedient for the welfare of the Borough. He shall, pursuant to N.J.S.A. 40A:60-5.h, maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the Borough in accordance with statutes made and provided in such instance or in accordance with the powers granted by the statutes governing boroughs, as the same may be amended by the Legislature of the State of New Jersey.

2. He shall, on all occasions, preserve strict order and decorum, and he shall cause the removal of all persons who interrupt the orderly proceedings of the Council, either upon his own motion or upon a majority vote of Council.

3. When two (2) or more Councilmen shall rise at the same time, he shall name the one entitled to the floor.

4. He shall decide all questions of order without debate subject to an appeal to the Council, and he may call upon the Council for the option of the Council upon any question of order.

b. **Duties of Council.**

1. The Council, by a majority vote, shall appoint one (1) or more of its members to serve as liaison between the Borough Council and all boards, committees, agencies or organizations.

2. In the absence of the Mayor or if he is unable to perform his duties, the Council President, or, in his or her inability to act, the Council member having the longest term as such, shall act as Mayor as provided by statute (see N.J.S.A. 40A:60-6). In addition, the Council President, chosen in accordance with the section of these bylaws set forth hereinafter, shall preside over public participation sessions, not required by statute, at all regular or special meetings of the Council.  

(Ord. #530, S 24B-2; Ord. #872, S 2)

2-3.3 Responsibilities of the Borough Clerk. See Section 2-5.

2-3.4 Meetings Generally.

a. **Annual Meetings.**

1. The Council shall hold an annual meeting on January 1 at 12:00 Noon, or during the first seven (7) days of January in any year (see N.J.S.A. 40A:60-3.a).

2. At the aforesaid meeting, the Council shall fix time and place for holding regular meetings, whether designated as caucus meetings or otherwise, during the ensuing year, for the transaction of business, notice of which shall be prominently posted throughout the year in at least one public place in the Municipal Building reserved for such or similar announcements and shall be mailed to two (2) newspapers within the area of jurisdiction of the public body of such meetings, one of which shall be the official newspaper and one other newspaper, both of which shall have the greatest likelihood of informing the public within the limits
of the Borough of such meeting, all in accordance with Chapter 231 of the Laws of 1975, more commonly known as the Open Public Meetings Act,1 or in accordance with such other provisions of the Act as the same may be amended by the Legislature of the State of New Jersey.

3. At the annual meeting, the Council will elect one (1) of its members as Council President to serve for the calendar year (see N.J.S.A. 40A:60-3.b).

b. **Special Meetings.** The Mayor shall, when necessary, call special meetings of the Council. In case of his neglect or refusal, four (4) members of the Council may call such meeting at such time and place as they may designate. In all cases of special meetings, reasonable advance notice, considered to be of forty-eight (48) hours, except in case of emergency, shall be given in person to all members of the Council or left at their places of residence (see N.J.S.A. 40:48-24). In addition, notice of such meetings shall be provided as in paragraph a.2 where, upon the affirmative vote of three-fourths (3/4) of the members present and notwithstanding the failure to provide adequate notice:

1. Such meeting is required and ordered to deal with matters of such urgency and importance that a delay for the purpose of providing forty-eight (48) hours’ notice will likely result in substantial harm to the public interest.

2. The meeting is limited to discussion of and acting with respect to such matters of urgency and importance, and notice of such meeting is provided as soon as possible following the calling of such meeting, which notice shall be in accordance with paragraph a.2 of this subsection.

3. The Borough Council could have reasonably foreseen the need for such meeting, but notice of such meeting was not provided (see Section 4(b), Chapter 231 of the Laws of 1975).

c. **Quorums.**

1. A quorum shall be as provided in the Revised Statutes of New Jersey, that is, three (3) Councilmen and the Mayor, and in the absence of the Mayor, four (4) Councilmen (see N.J.S.A. 40A:60-3.d).

d. **Conduct of Meetings.**

1. The agenda shall determine the order of business.

2. In any event, the public participation session at regular meetings shall be scheduled, as nearly as possible, one-half (1/2) hour after the call to order, consistent with good order, and the order of business shall be interrupted to allow for a public participation session not to exceed one hour’s length in time. Each member of the public desiring to address Council during the public session shall keep his remarks brief and pertinent to the issue being discussed and shall not exceed a time period of five (5) minutes for his remarks, in order to adequately provide all members of the public with the opportunity to address the Borough Council consistent with good order and efficiency. If the hour allocated for the public participation session shall prove inadequate at any meeting of the Council, then the Council may, by a majority vote, designate a further public participation session which shall take place in the order of business immediately prior to adjournment.

3. The aforesaid order of business at any meeting may be changed by a majority vote of the members of the Council present at such meeting.

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1Editor’s Note: See N.J.S.A. 19:4-6 et seq.
e. **Majority Vote Required.** Except as otherwise required by the statutes or specifically provided in these bylaws, all action of the Council shall be by a majority vote of those present.

f. **Provision for Roll Call Vote.** Upon demand of one member of Council or when ordered by the Mayor or when directed by statute, a roll call vote shall be taken and the yeas and nays entered in the minutes of the meeting.

(Ord. #530, S 24B-4; Ord. #872, S 2)

### 2-3.5 Committees.

a. **Standing Committees.**

1. A minimum of six (6) standing committees of the Council, consisting of three (3) Council members each, shall be appointed at the annual meeting by a vote of the majority of Council.

2. Each Councilman shall be Chairman of at least one standing committee and a member of two (2) others.

3. Standing committees are appointed to expedite and facilitate the work of the Council, but only within statutory limits as the entire Council is held responsible for any or all of its acts.

4. A standing committee shall:
   - (a) Plan, study, direct, and carry on the routine activities for which it has primary responsibility.
   - (b) Perform such acts as may be assigned to it by the Council.
   - (c) Report and make recommendations to the Council regarding its responsibilities and activities.

5. Except as provided above, a standing committee shall not:
   - (a) Make promises or commitments to anyone which directly, or by inference, bind the Council.
   - (b) Act in such a manner as to make decisions which set a precedent or violate established Council policy.

b. **Special Committees.** Special committees may be appointed for purposes other than those included in the duties of the standing committee, by a vote of the majority of the Council.

c. **Committee Chairmen.**

1. The Chairmen of each standing or special committee shall be prepared to report to the Council at each regular meeting on the principal activities and achievements of his committee.

2. In case of death, resignation, removal from office or incapacity to serve as Committee Chairman, the Council, by a vote of the majority, shall name the succeeding Chairman.

(Ord. #530, S 24B-5; Ord. #872, S 2)

### 2-3.6 Establishment of Agendas for Borough Council Meetings.

a. Any item to be placed on the Borough Council Meeting Agenda must be presented to the Borough Clerk by noon on Thursday before the meeting.
b. Any item sought to be placed on the Borough Council Meeting Agenda by any member of the Governing Body after noon on Thursday must be first submitted to the Council President or in his absence the most senior member of the Borough Council.

c. The Council President shall, at his discretion, direct the Borough Administrator to list said item on the agenda.

d. If any member of the Governing Body disagrees with that determination the member of the Governing Body may address the issue at the Council meeting for authorization to place the item on the Council Meeting Agenda.

e. This procedure applies to all agenda items, except those items set by the Borough Clerk, in accordance with the Borough Ordinances and New Jersey Statutes.

(Ord. #1999-03, S1)

2-4 MUNICIPAL ADMINISTRATOR.

2-4.1 Creation of Office. The office of Municipal Administrator of the Borough is hereby created pursuant to N.J.S.A. 40A:9-136, et seq., N.J.S.A. 40A:60-7.a and the employment of a person to fill such position on a temporary or permanent basis is hereby authorized. (Ord. #585, S 1; Ord. #649, S 1; Ord. #872, S 2)

2-4.2 Appointment. The Municipal Administrator shall be appointed by the Mayor with the consent of the Council. (Ord. #585, S 2; Ord. #649, S 2; Ord. #872, S 2)

2-4.3 Term. The term of the Municipal Administrator shall be at the pleasure of the Borough Council. (Ord. #585, S 3; Ord. #649, S 3; Ord. #872, S 2)

2-4.4 Salary. The salary of the Municipal Administrator shall be established by the Borough Council in the Annual Salary and Wage Ordinance of the Borough as amended. (Ord. #585, S 4; Ord. #649, S 4; Ord. #872, S 2)

2-4.5 Qualifications. The Municipal Administrator shall be chosen by the Borough Council solely on the basis of executive and administrative qualifications, with reference to actual training in governmental affairs, education, experience and training as evidenced by a degree from a recognized four (4) year college in Public Administration, Business Administration, or a field related to governmental administration and by actual experience in governmental administration. (Ord. #585, S 5; Ord. #649, S 5; Ord. #872, S 2)

2-4.6 Residency Requirement. Within nine (9) months of the date of his appointment, and during his term, the Municipal Administrator must be a permanent resident of the Borough unless this requirement is waived by resolution adopted by a majority vote of the full membership of the Borough Council. (Ord. #585, S 7; Ord. #649, S 7; Ord. #872, S 2)

2-4.7 Removal.
a. The Municipal Administrator may be removed by a two-thirds (2/3) vote of the full membership of the Borough Council. The resolution of removal shall become effective three (3) months after the adoption of same by the Borough Council unless the resolution provides that it shall have immediate effect. In such event, the Borough Council shall cause to be paid to the Municipal Administrator forthwith any unpaid balance of his salary and his salary for the next three (3) months following adoption of the resolution.

b. In the event of removal or resignation of the Municipal Administrator, the Mayor, pursuant to N.J.S.A. 40A:9-137, shall by resolution appoint an officer or other employee of the Borough as Acting Municipal Administrator to serve at the pleasure of the Borough Council or until a Municipal Administrator is appointed by the Mayor. Removal of the Acting Municipal Administrator shall be by a majority vote of the full membership of the Borough Council.

c. The term of office of the Acting Municipal Administrator shall be no more than sixty (60) calendar days from his confirmation by the Borough Council.

(Ord. #585, S 8; Ord. #649, S 8; Ord. #834, S 2; Ord. #872, S 2)

2-4.8 General Powers and Duties. The Municipal Administrator shall provide liaison between the Mayor and Council and the various departments, officers, employees and agents of the Borough and in addition, perform the following duties:

a. To supervise the administration of all departments, officers, employees and agents of the Borough as directed by the Borough Council.

b. Coordinate the finances, the preparation of the budget and the compilation of analysis of budget costs and estimates; recommend to the Borough Council personnel policies ad administrative practices and enforce those adopted by it; oversee the purchase of materials, supplies and equipment to be furnished, and work and labor to be performed for the Borough, all in accordance with the direction of the Borough Council.

c. Attend all executives, special, caucus and regular meetings of the Mayor and Council and perform such other duties as the Mayor and Council may describe;

d. Recommend to the Mayor and Council, subject to and consistent with the New Jersey Department of Personnel, the suspension, dismissal or other disciplinary action against Borough employees and to investigate complaints regarding same;

e. He shall continually review and supervise the Borough’s insurance program and policies;

f. When required by the Borough Council, he shall prepare applications for funds or services needed or required by the Borough and submit the same to various State, County and Federal agencies which will be willing or able to provide the necessary assistance, and shall coordinate all such applications and follow them through to completion. He shall further keep the Borough Council informed of the status of all such applications and recommend to them various sources of funds or services provided by any other governmental agency;

g. He shall review daily any complaints concerning the functions and obligations of the Borough made by any of its residents or taxpayers, and he shall have and maintain a permanent record of all complaints and the disposition made; when a complaint is made, he shall make the appropriate dispositions.
h. He shall make any recommendations which he may believe will increase the efficiency of the operation of the Borough.

i. He shall prepare and present to Mayor and Council a semi-annual report of the Borough affairs, which shall include a report from each department head;

j. He shall require the various department heads to furnish an adequate inventory of all equipment, materials and supplies in stock and to recommend sale of any surplus, obsolete or unused equipment when authorized by the Mayor and Council; he shall recommend to the Council procedures for inventory control and replacement of necessary equipment and supplies, and shall insure that the procedures adopted by the Borough Council are implemented;

k. The Administration shall work with the Borough Attorney, Engineer, Auditor and other appointed officials to insure that the policies and directions of the Borough Council are fully implemented;

l. He shall, before separation from the Borough, render a written report on all activities of the Borough from the date of his last report to the date of his separation.

(Ord. #585, S 9; Ord. #649, S 9; Ord. #872, S 2)

2-4.9 Chief Administrative Officer. The Municipal Administrator shall be the chief administrative officer of the Borough and shall direct the administration of all departments and offices of the Borough Government subject to the direction and consultation with the Mayor and Council. (Ord. #585, S 10; Ord. #649, S 10; Ord. #872, S 2)

2-5 DEPARTMENT OF THE BOROUGH CLERK.

2-5.1 Established; Qualifications of Clerk. There shall be a Department of the Borough Clerk, the head of which shall be the Borough Clerk. The Clerk shall serve for a term of three (3) years (R.S. 40A:9-133), beginning January 1 of the year in which he is appointed; provided that any appointment to fill a vacancy shall be for the unexpired term only, except as otherwise provided by law. Prior to his appointment, the Clerk shall be qualified by training or experience, or a combination thereof, for the duties of his office, pursuant to N.J.S.A. 40A:9-133.4. (New; Ord. #872, S 2)

2-5.2 Powers and Duties of the Clerk. Under the direction and supervision of the Municipal Administrator, the Clerk shall:

a. Serve as Clerk of the Council, subject to the provisions of subsection 2-5.3.

b. Have custody of the Borough’s seal and affix it to such books, papers and documents as may be authorized pursuant to law;

c. Have and take custody of all official books, papers and documents of the Borough for which no other repository is provided by the Charter or ordinance, and preserve and keep them safely;

d. Perform such functions as are vested in the Clerk by the licensing provisions of State law or ordinance;

e. Administer oaths or affirmations with respect to all Borough matters;

f. Issue “certificate as to liability for assessment for municipal improvements” in accordance with provisions of Laws of 1946, Chapter 269 (N.J.S.A. 54:5-18.1 et
Prior to the issuance of any such certificate, he shall secure from the Engineer his countersignature, which shall indicate that to the best of his knowledge, information and belief the certificate is correct; and

b. Undertake such other duties as shall be prescribed by the Municipal Administrator.

2-5.3 Clerk of the Council: Duties. The Borough Clerk shall serve as Clerk of the Council unless the Council shall otherwise provide by resolution. The Clerk of the Council shall:

a. As required by Council, keep a journal of the Council proceedings and record the minutes of every meeting, which minutes shall be authenticated by the signature of the officer presiding at the meeting, and by the Clerk of the Council;

b. Preserve and record all ordinances and resolutions adopted by the Council;

c. After the close of each year, with the advice and assistance of the Borough Attorney, bind, compile or codify all the ordinances and resolutions, or true copies thereof which then remain in force and effect;

d. Properly index the record books, compilation and codification of ordinances and resolutions;

e. Publicly advertise for bids in the name of the Council for all contracts for the doing of any work or the furnishing of any materials, supplies or labor, or the hiring of teams or vehicles, where the public advertisement is required by N.J.S.A. 40:50-1, or otherwise. This general direction to the Clerk of the Council to cause public advertisement for bids to be published, shall in no way affect the requirement under Section 2:10-6, that the Council must, by resolution, let each contract at the receipt of bids;

f. Provide secretarial and clerical services for the Councilmen in the discharge of their official duties; and,

g. Have such other duties as Council may, by resolution, prescribe or the President of the Council may from time to time require.

2-5.4 Removal. The Borough Clerk shall be removed from his office pursuant to the guidelines of N.J.S.A. 40A:9-133.7. (Ord. #368, SS 33-1—33-4; Ord. #872, S 2)

2-5.5 Tenure. The Borough Clerk shall obtain tenure pursuant to the provision of N.J.S.A. 40A:9-133.8 and N.J.S.A. 40A:9-134. (Ord. #872, S 2)

2-6 BOROUGH COLLECTOR.

2-6.1 Appointment. The Borough Tax Collector shall be appointed pursuant to N.J.S.A. 40A:9-141. (Ord. #368, S 19-1; New; Ord. #872, S 2)

2-6.2 Term. The Borough Tax Collector shall serve a term of office pursuant to N.J.S.A. 40A:9-142. (Ord. #872, S 2)

2-6.3 Arrears of Taxes. The Borough Tax Collector shall also be the collector of arrears of taxes pursuant to N.J.S.A. 40A:9-143. (Ord. #872, S 2)
2-6.4 Tenure. The Borough Tax Collector shall obtain tenure pursuant to N.J.S.A. 40A:9-144 and N.J.S.A. 40A:9-145. (Ord. #872, S 2)

2-6.5 Duties. The Borough Tax Collector shall collect all monies due to the Borough for payment of real property taxes and assessments, as required by law, and shall perform those duties as may be assigned by the Municipal Administrator. (Ord. #872, S 2)

2-7 MUNICIPAL COURT.

2-7.1 Court Established. A Municipal Court for the Borough, is established as of January 11, 1949, pursuant to the provisions of Chapter 264 of the Laws of 1948 as amended and supplemented. (Ord. #368, S 65-1; Ord. #872, S 2)

2-7.2 Name. The name of the Municipal Court shall be the "Municipal Court of the Borough of Point Pleasant." (Ord. #368, S 65-2; Ord. #872, S 2)

2-7.3 Seal. The Municipal Court shall have a seal which shall bear the impression of the name of the Court. (Ord. #368, S 65-3; Ord. #872, S 2)

2-7.4 Municipal Judge; Appointment, Term of Office. There shall be a Municipal Judge of the Municipal Court, who shall be appointed by the Mayor with the advice and consent of the Council, and who shall serve for a term of three (3) years from the date of his appointment and until his successor is appointed and qualified. (Ord. #368, S 65-4; Ord. #872, S 2)

2-7.5 Compensation of Municipal Judge. This section shall be amended or changed by the Mayor and Borough Council. (Ord. #368, S 65-5; Ord. #872, S 2)

2-7.6 Powers, Duties and Jurisdiction. The Municipal Court and the Municipal Judge thereof shall have, possess and exercise all the functions, powers, duties and jurisdiction conferred by the provisions of Chapter 264 of the Laws of 1948 as amended and supplemented, or by any other law. (Ord. #368, S 65-6; Ord. #872, S 2)

2-7.7 Clerk; Appointment, Term, Salary, Duties. There shall be a Clerk of the Municipal Court who shall be appointed by the Mayor, with the advice and consent of the Borough Council. The salary of the Clerk of the Municipal Court shall be fixed by the Mayor and Borough Council. The Clerk shall perform such functions and duties as shall be prescribed for him by law, the rules applicable to Municipal Courts and by the Municipal Judge. (Ord. #368, S 65-7; Ord. #872, S 2)

2-7.8 Times for Holding of Municipal Court. The Municipal Court shall be held in the Borough Hall at such times as shall be designated by the Borough Municipal Court. (Ord. #368, S 65-8; Ord. #872, S 2)

2-7.9 Municipal Public Defender.

a. Creation of Office. The office of Municipal Public Defender of the Borough is hereby created pursuant to S-1886, thereby formally amending

b. **Appointment.** The Municipal Public Defender shall be appointed by the Mayor with the consent of the Council. No person shall hold office as Municipal Public Defender and hold any other office or position in the Borough.

c. **Term.** The term of Municipal Public Defender shall be for one (1) year, expiring on December 31st of each year. The term of the first Municipal Public Defender however shall be from the date of the appointment until December 31, 1997.

d. **Compensation.** The compensation of the Municipal Public Defender shall be established by the Borough Council pursuant to an agreement for professional services to be entered into by the Municipal Public Defender and the Borough.

e. **Qualification.** The Municipal Public Defender shall be a duly licensed attorney-at-law of the State of New Jersey. The Municipal Public Defender shall be appointed by the Borough to represent indigent defendants in proceedings over which the Borough Municipal Court has jurisdiction.

f. **Duties of the Municipal Public Defender.** The Municipal Public Defender shall represent an indigent defendant charged in Municipal Court with a disorderly persons or petty disorderly persons offense, or with a crime as specified in N.J.S.A. 2B:12-18 or with the violation of any statute, ordinance or regulation of a penal nature where, in the opinion of the Municipal Court, there is a likelihood that the person, if convicted, will be subject to imprisonment. The Municipal Public Defender shall represent an indigent defendant charged in Municipal Court with a crime as specified in N.J.S.A. 2B:12-18 or, if in the opinion of the Municipal Court there is a likelihood that the defendant, if convicted of any other offense, will be subject to imprisonment or other consequence of magnitude, the Municipal Public Defender shall represent an indigent defendant.

g. **Attorney/Client Privilege.** All communications between the indigent defendant and the Municipal Public Defender or any other attorney appointed to act as a Municipal Public Defender shall be fully protected by the attorney/client privilege to the same extent and degree as though counsel had been privately engaged. This shall not preclude the use by a Municipal Public Defender of privileged material for the preparation and disclosure of statistical, case study and other sociological data, provided that in any such use there shall be no disclosure of the identity of or means for discovery of the identity of particular defendants.

h. **Vacancy in the Office.** If there is a vacancy in the Office of Municipal Public Defender, if the Municipal Public Defender is temporarily unavailable or if a finding of conflict of interest precludes the Municipal Public Defender from representing an indigent defendant, the Municipal Prosecutor may prosecute the offense if the Municipal Court appoints a qualified attorney to represent the indigent defendant. Unless rates are otherwise established by the Borough, the attorney shall be entitled to compensation at the same rate as the attorneys hired by the New Jersey Office of Public Defender in conflict cases, with payment to be made within thirty (30) days. Once appointed, the attorney shall carry out all
duties of the Municipal Public Defender in connection with the case that is the subject of the appointment.

i. *Eligibility of Indigent Defendant.* Eligibility for services of the Municipal Public Defender shall be determined by the Municipal Court on the basis of the need of the defendant. Need shall be measured according to Section 14 of P.L. 1967, c. 43 and guidelines promulgated by the New Jersey Supreme Court.

In the event that a determination of eligibility cannot be made before the time when the first services are to be rendered, or if an initial determination is found to be erroneous, the Municipal Court shall refer the defendant to the Municipal Public Defender provisionally, and if subsequently it is determined that the defendant is ineligible, the Municipal Court shall inform the defendant, and the defendant shall be obliged to engage his/her own counsel and to reimburse the Borough for the cost of the services rendered to that time.

The Municipal Court shall make an investigation of the financial status of each defendant seeking representation pursuant to this section, and shall have the authority to require a defendant to execute and deliver written requests or authorizations required under applicable law to provide the Court with access to records of public or private sources, otherwise confidential, as may be of aid in evaluating eligibility. The Court is authorized to obtain information from any public record office of the State or of any subdivision or agency thereof on request and without the fees ordinarily required by law.

Whenever a person entitled to representation by a Municipal Public Defender pursuant to this section is under the age of eighteen (18) years, the eligibility for services shall be determined on the basis of the financial circumstances of the individual and the financial circumstances of the individual's parents or legal guardians. The Borough shall be entitled to recover the cost of legal services from the parents or legal guardians as provided in this section, and the Municipal Court shall have authority to require parents or legal guardians to execute and deliver the written requests or authorization required under applicable law in order to provide the Court with access to records of public or private sources, otherwise confidential, as may be of aid to it in evaluating eligibility.

If the defendant has or reasonably expects to have means to meet some part, though not all, of the cost of the services rendered, the defendant shall be required to reimburse the Borough, either by a single payment or in installments in such amounts as he/she can reasonably be expected to pay.

The Borough shall have a lien on any property to which the defendant shall have or acquire an interest for an amount equal to the reasonable value of the services rendered to a defendant pursuant to this section as calculated at the same rate as the New Jersey Office of the Public Defender bills clients at that time.

The Borough may attempt to effectuate such lien and to collect monies due to the Borough all in accordance with the provisions of S-1886 enacted into law on September 23, 1997, as amended.
j. **Application for Representation by the Municipal Public Defender.** Any person seeking to be represented by the Municipal Public Defender, or Court approved counsel, shall pay an application fee to the Borough of two hundred ($200.00) dollars, unless the Municipal Court determines that the amount necessary to the pay the cost of the Municipal Public Defender will be less than two hundred ($200.00) dollars. In accordance with guidelines promulgated by the New Jersey Supreme Court, the Municipal Court may waive any required application fee, in whole or in part, only 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 an applicant to pay the application fee over a specified period of time, not to exceed four (4) months.

Funds collected pursuant to this subsection shall be deposited in a dedicated fund administered by the Chief Financial Officer of the Borough. Such funds shall be used exclusively to meet the costs incurred in providing the services of the Municipal Public Defender including, when required, expert and lay investigation and testimony.

k. **Removal of the Municipal Public Defender.** In addition to any other means provided by the law for the removal from office of a public official, the Municipal Public Defender may be removed by the Borough Council of the Borough for good cause shown and after a public hearing, and upon due notice and an opportunity to be heard. Failure to reappoint the Municipal Public Defender for a second or subsequent term does not constitute a 'removal from office' within the meaning of this subsection.

l. **Representation of Private Clients.** The Municipal Public Defender may represent private clients in the Borough subject to the Rules of Court Governing the Conduct of Lawyers, Judges and Court Personnel.

(Ord. #95-09, S 1; Ord. #1997-19, SS 1–12; Ord. #1998-05, S 1)

### 2-8 POLICE DEPARTMENT.

**2-8.1 Establishment and Composition.** There is hereby established and created a Police Department in the Borough. (Ord. #368, S 75-1; Ord. #872, S 2)

**2-8.2 Chief of Police.** The Mayor shall, with the advice and consent of the Borough Council, appoint a Chief of Police. (Ord. #368, S 75-2; Ord. #872, S 2)

**2-8.3 Compensation.** The Chief of Police and officers shall receive such pay or compensation as may heretofore have been or shall hereafter be established by the Annual Salary Ordinance. (Ord. #368, S 75-3; Ord. #872, S 2)

**2-8.4 Supervision.** The members of the Police Department shall be under the direction and supervision of the Chief of Police who shall be subject to general supervision by the Police Committee. (Ord. #368, S 75-4; Ord. #584, S 1; Ord. #872, S 2)

**2-8.5 Composition.** The uniform forces of the Department shall consist of a Chief of Police and such captains, lieutenants, sergeants and regular and special
2-8.6 Chief of Police; Duties. The Chief of Police shall consist of the executive officer of the Department. He shall be charged with the enforcement of all ordinances of the Borough and the laws of the State of New Jersey, and such rules and regulations as may be promulgated for the regulation of the Department. He shall have charge of and be responsible for all property of the Borough used by the Department. (Ord. #368, S 75-9; Ord. #872, S 2)

2-8.7 Special Policemen. Special policemen shall be appointed by the Mayor and Council for extra police work. Other special policemen may be appointed at the request of private parties after the cause for such request is approved by the Committee and the Chief of Police. No special police shall be appointed for more than one calendar year.

a. Adult School Crossing Guards.
1. The Borough Council shall annually appoint by resolution such adult school crossing guards as the Borough Council shall determine to be necessary for the performance of duties as hereinafter set forth. The determination of the Borough Council shall be based upon the advice and recommendations of the Chief of Police of the Borough who shall recommend to the Borough Council the appointment of such school crossing guards as the Chief of Police shall, after proper investigation, determine to be necessary for the performance of duties as hereinafter set forth.
2. No person shall be appointed as an adult school crossing guard unless he:
   (a) Is a resident of the Borough of Point Pleasant;
   (b) Is sound in body and of good health;
   (c) Is of good moral character;
   (d) Has not been convicted of any criminal offense involving moral turpitude.
3. Terms. Any adult school crossing guard hereafter appointed shall be appointed for a term of one year which term shall commence on August 1 of the year of his appointment and shall terminate on July 31 of the next succeeding year.
4. Application and Investigation.
   (a) Any person desiring to be appointed as an adult school crossing guard shall do so by completing and filing with the Chief of Police of the Borough an application for appointment as an adult school crossing guard which application shall be on such forms as may be prescribed by the Chief of Police of the Borough. Any person desiring to be appointed as an adult school crossing guard who has completed and filed with the Chief of Police an application as hereinafter provided with respect to any prior year may, in lieu of filing a new application, file a certification that the information contained in such prior application has not changed.
   (b) Any application for prescribed by the Chief of Police of the Borough as hereinabove set forth shall include therein:
   (1) Name, address and age of applicant;
(2) A listing of all other municipalities in which the applicant had previously performed duties as an adult school crossing guard;

(3) A certification by the applicant that if appointed as an adult school crossing guard the applicant shall faithfully perform the duties of that office and shall remain available for duty assignment by the Chief of Police for the entirety of the term of the applicant’s appointment;

(4) A certification that the applicant has not been convicted of any criminal offense involving moral turpitude.

(c) All applications for appointment as an adult school crossing guard shall be filed with the Chief of Police not later than June 15 in any given year.

(d) The Chief of Police of the Borough shall review each application for appointment as an adult school crossing guard and shall cause an investigation of such application and the information contained therein to be undertaken. The Chief of Police shall complete such review and investigation and provide recommendations concerning the appointment of each applicant as an adult school crossing guard to the Borough Council on or before July 15 in any given year or the date of the last regular meeting of the Borough Council prior to August 1 in such given year, whichever is earlier.

5. Status and Duties.

(a) An adult school crossing guard shall not be a member of the Police Department of the Borough.

(b) Any powers conferred upon an adult school crossing guard pursuant to his appointment in accordance with law shall cease at the expiration of the term for which he was appointed.

(c) No adult school crossing guard shall have the right to bear firearms or the power of arrest.

(d) Every adult school crossing guard shall be under the supervision and direction of the Chief of Police of the Borough and shall comply with the rules and regulations applicable to the conduct and decorum of regular police officers of the Borough, excepting that adult school crossing guards shall not be required to observe any ordinance regulating the length of hair of regular police officers.

(e) Every adult school crossing guard shall be trained for the proper performance of his duties and responsibilities. Such training shall consist of a minimum of two (2) hours of classroom instruction which shall include information on methods of traffic control and the duties and responsibilities of adult school crossing guards and a minimum of twenty (20) hours of field training in which the trainee shall be supervised by an experienced adult school crossing guard or a regular police officer appointed by the Chief of Police.

(f) Before being assigned to any post, an adult school crossing guard shall be provided with a uniform which shall identify his function and shall be distinct from the uniform of a member of the regular Police Department. Such uniform shall include but not be limited to a safety vest, hat and breast and hat badges which shall bear an identification number and the words “Crossing Guard” and “Borough of Point Pleasant.”

(g) All adult school crossing guards specifically including any and all adult school crossing guards appointed under any prior ordinances which may have been in existence and effective prior to the effective date of this subsection
shall be subject to assignment by the Chief of Police of the Borough who shall have the right to position adult school crossing guards on such streets and highways within the Borough and at such times as the Chief of Police shall determine to be necessary and in the best interest of public safety. Such determination by the Chief of Police of the Borough shall be based upon his determination that assignment of any adult school crossing guard is necessary to control or direct vehicular or pedestrian traffic during those time periods of the school day when it is necessary to control traffic or during any special event or program involving pedestrian crossings whenever it is deemed to be in the best interest of public safety.

6. Benefits. Adult school crossing guards appointed pursuant to this subsection shall be entitled to compensation in accordance with the Salary Ordinance of the Borough as supplemented and amended and shall be entitled to such vacation and sick leave periods as may be provided for in such Salary Ordinance as amended, provided, however, that no adult school crossing guard hereafter appointed pursuant to the terms of this subsection shall be subject to or entitled to any benefits provided by any Civil Law of this State.

b. **Special Law Enforcement Officers.** The Borough may employ and utilize the services of special law enforcement officers pursuant to the authority established in N.J.S.A. 40A:14-146.10 to N.J.S.A. 40A:14-146.18. (Ord. #368, S 75-12; Ord. #633, S 1; Ord. #872, S 2)

**2-8.8 Rules and Regulations.** The Chief of Police, in consultation with the Police Committee or Council, shall promulgate rules and regulations for the government of the Police Department and force and for the conduct and discipline of its members. These rules and regulations shall be presented to Borough Council, and if approved, shall be adopted and passed by resolution of Borough Council. Such rules and regulations may be made, promulgated, changed or altered in accordance with the procedure set forth herein, and after promulgation and while remaining in force shall be as binding and effective as though same had been incorporated as additional provisions in this section. (Ord. #368, S 75-16; Ord. #584, S 2; Ord. #872, S 2)

**2-8.9 Extra Duties.** Whenever the Chief of Police or his designee determines that extra duty assignments shall be performed for a party requesting private or quasi-public duty, 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 agreement shall be in accordance with the following standards:

a. 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 it has been submitted in the form approved by resolution.

b. The Borough shall be responsible to provide all necessary insurance as required by law, including but not limited to worker's compensation, public liability and 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.
c. Officers engaged in special duty assignments shall be deemed on-duty and shall conform to all Police Department rules, regulations and procedures.

d. 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.

e. All special duty assignments shall be within the municipality, unless specific written approval is given by the Chief of Police to the officer to work outside of the municipality. If no municipal officers are available to work on special duty assignments within the municipality, the Chief of Police may contact adjoining municipal police departments to see if they are willing to perform such special assignments.

f. The work to be performed shall be considered "special assignment from independent contractors" and will not be considered direct assignment or duty on the job through the Borough. The taking of any and all extra duty assignments shall be on a voluntary basis in accordance with a system established and administered by the Chief of Police.

g. The Chief of Police shall have the authority to order any Police Officer to vacate or terminate any special duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to the health, safety and welfare of the Police Officer and/or the public in the sole determination and discretion of the Chief of Police. The contractor shall not be responsible for any compensation for the time that the Police Officer is away from the special duty assignment and shall have no claim for any costs or damages against the municipality, the Chief of Police, or the Police Officer arising from the termination of special duty assignment other than the prorated return of any costs prepaid to the Borough or to the municipality.

h. Any and all payments due under any such agreement shall be paid fifteen (15) days from the date of billing. Interest shall be charged at the rate of twelve (12%) percent per annum on any amount billed for which payment has not been made within fifteen (15) days. The delinquent party shall be liable for all costs, fees and attorney's fees associated with the collection of any amounts due.

(Ord. #93-19, S 1)

2-9 FIRE DEPARTMENT.

2-9.1 Creation of Volunteer Fire Department. A department, hereafter to be known as the "Point Pleasant Volunteer Fire Department," is hereby created. (Ord. #368, S 43-1; Ord. #872, S 2)

2-9.2 Purpose and Function. The purpose and function of the Point Pleasant Volunteer Fire Department shall be for the preservation of life and protection of property, and for the combating and prevention of fires in and about the Borough. This section is adopted for the promotion of public safety and general welfare. (Ord. #368, S 43-2; Ord. #872, S 2)
2-9.3 Companies. The Point Pleasant Volunteer Fire Department shall consist of the two (2) volunteer fire companies now in existence and such additional companies as the Mayor and Council shall deem necessary to fulfill the purpose and function of the Point Pleasant Volunteer Fire Department. The bylaws and any amendments thereto of volunteer fire companies shall be approved by the Mayor and Council. (Ord. #368, S 43-3; Ord. #872, S 2)

2-9.4 Officers.

a. The officers of the Point Pleasant Volunteer Fire Department shall consist of a Borough Chief, elected by one of the other recognized Borough companies, and a Deputy Borough Chief elected by each of the other recognized Borough companies. The office of Borough Chief shall be filled during the year of 1958 by a member of Fire Company No. 1; the office of Deputy Borough Chief shall be filled during the year 1957 by a member of Fire Company No. 2. The office of Borough Chief shall pass to a member of Fire Company No. 2 during the year 1959, and the office of Deputy Borough Chief shall pass to a member of Fire Company No. 1 during the year 1959. During each subsequent year, the offices of Deputy Borough Chief shall alternate between Fire Company No. 1 and Fire Company No. 2.

b. If any additional fire companies are recognized by the Mayor and Council of the Borough at a future date, the office of Borough Chief shall rotate among all of the recognized fire companies in subsequent years, and each of the recognized fire companies shall have a Deputy Borough Chief, subject to the provisions hereinafter for qualifications of Borough Chief and Deputy Borough Chief.

c. The Borough Chief and Deputy Borough Chief shall be technically qualified by training and experience by having served a minimum of three (3) years as an active fireman in his respective Point Pleasant Borough recognized fire company, including at least one (1) as a line officer.

2-9.5 Board of Fire Officers.

a. There is hereby created a Board of Fire Officers which shall consist of the five (5) highest ranking line officers from each Borough-recognized fire company plus the Fire Committee. They shall make recommendations to Mayor and Council for improved fire prevention, protection, and shall be available for advice and counseling to Mayor and Council. All Board of Fire Officers’ correspondence must be signed by both the Borough Chief and the deputy Borough Chief when directed to the Mayor and Council. Any recommendations prior to submission to the Borough Council must have an approval of at least two-thirds (2/3) of the members of the Board of Fire Officers.

b. This Board of Fire Officers shall meet in January, April, July and October of each year, or as many other meetings as may be deemed necessary by the Chairman, and all members shall be properly notified of all meetings in advance by the Secretary. The Chairman of the Board of Fire Officers will be the Borough Chief and the Co-chairman will be the Deputy Borough Chief, with the Secretary to be elected by the body.

c. The Board of Fire Officers shall have the power to remove, suspend or recommend for company disciplinary action any officer or Department member who shall give cause for such action at any fire, drill or Department affair.
d. No such action may be taken unless written charges are filed with the Board of Fire Officers and a copy thereof served upon the offending member, within seven (7) days after the date of the alleged offense. The hearing on the charges shall be held by the Board of Fire Officers not sooner than fifteen (15) days, nor later than thirty (30) days, from the date of the alleged offense. The offending member shall have the right to waive, in writing, the time requirements for hearing, as herein provided, and consent to a lesser or greater period of time in which the hearing may be held. The hearing, on charges against any member of the Department, shall, unless waived by the offending member, be commenced within the time herein provided, and may be continued or adjourned but in no vent shall be extended beyond sixty (60) days from the date of the alleged event. The Board of Fire Officers shall render its decision within twenty-four (24) hours after the completion of the hearing. Any member of a Fire Department shall have the right to appeal to the Mayor and Council from the decision of the Board of Fire Officers, and after proper hearing before the Mayor and Council, to be held within thirty (30) days from the last day of the hearing before the Board of Fire Officers, the Mayor and Council shall have the right to alter, change or amend the decision of the Board of Fire Officers.

(Ord. #333, Ord. #368, S 43-5; Ord. #872, S 2)

2-9.6 Duties of Borough Chief and Deputy Borough Chief.

a. The Chief shall be at the head of the Department, subject to the laws of the State of New Jersey, ordinances of the Borough of Point Pleasant and the rules and regulations herein adopted.

b. The Borough Chief shall be held responsible for the general condition and efficient operation of the Department, the training of members and the performance of all other duties imposed on him, and shall be directly responsible to the Mayor and Council.

c. The Chief shall make every effort to attend all fires and direct the officers and members in performance of their duties.

d. The Chief and Deputy Chiefs, and members so appointed by them, shall enforce Chapter XV, Fire Prevention.

e. In the event the Chief or officer in charge of any fire shall suspect or have reason to believe that the fire is the result of arson, he shall immediately, or as quickly as conditions permit, give notice of his suspicions to the Police Department.

f. It shall be the duty of the Chief to make a compiled report to the Mayor and Council, at the first meeting of that body each month, of all fires, drills, attendance of same, and condition of all equipment and hydrants for each month. Also an annual report at the first meeting of the next year.

g. In all cases of fire, the Chief shall have full power and absolute control and command, and cause the apparatus to be worked in the most advantageous manner. In his absence, the Deputy Chiefs of the companies from whom the next Borough Chief will be elected shall assume these duties in the order in which their companies shall be entitled to the office of Borough Chief. In the absence of both Chief and Deputy Chief, as herein defined, the senior line officer of the company of the Borough from which the Chief is chosen shall assume command.

h. The Chief, Deputy Chiefs or officer in charge at any fire are hereby clothed with full and complete police authority, and are hereby authorized and directed to require and secure the removal of any and all obstructions from, in front of and
around fire hydrants, and for the purpose are hereby directed to call upon the head 
of any municipal departments for aid and assistance in securing such removal. 
i. It shall be the duty of the Chief to see that all hose on apparatus is changed 
every thirty (30) days, if not otherwise used, and to pressure test the same every 
ninety (90) days. 
(Ord. #368, S 43-6; Ord. #872, S 2)

2-9.7 Borough Owned Equipment. 
a. All requests for repairs or supplies for the Borough owned trucks shall be made 
through the Administrator by the senior line officer of the company operating and 
maintaining the Borough owned equipment. 
b. In the case of the disablement of other than Borough owned equipment, the 
Chief shall notify the Administrator, who shall request the Mayor and Council to 
take immediate action. 
(Ord. #368, S 43-7; Ord. #872, S 2)

2-9.8 Pensions for Widows. 
a. Amount of Pension. A pension, not to exceed the sum of two thousand five 
hundred ($2,500.00) dollars annually, shall be paid to the widow of any volunteer 
fireman who may die as the result of the injuries sustained in the performance of 
duty as a member of the Volunteer Fire Department of the Borough, so long as 
she shall not remarry, or to the minor children of such fireman if he leaves no 
widow surviving him, or to the minor children after the death of such widow, and 
until such minor children shall attain their majority. 
b. Payment. The payment of such pension shall become effective if and when 
such fireman shall die as a result of injuries sustained in the course of 
performance of duty as a member of the Volunteer Fire Department of this 
Borough, and upon the passage of a resolution providing for the payment of such 
pension by the Borough Council. 
c. Date of Initial Payment. The initial payment of such pension shall be made 
after the passage of a resolution providing for the payment of such pension 
by the Borough Council and shall take effect as of the date of death of such 
volunteer fireman. 
d. Manner of Payment. In the event of the occurrence of such event, and after 
the passage of such resolution, the Borough Council shall make provision 
in its annual budget for the payment of such pension, and the same shall be 
paid in the same manner as municipal employees are paid. 
(Ord. #374, SS 43-10 — 43-13; Ord. #872, S 2)

2-10 BOROUGH ENGINEER. 
There shall be a Department of Engineering, the head of which shall be the 
Borough Engineer, who shall be appointed and serve pursuant to the authorities of 
N.J.S.A. 40A:9-140. Subject to the supervision of the Municipal Administrator, 
the Borough Engineer shall provide professional engineering, planning, and 
related services to all municipal agencies including but not limited to the Planning 
and Zoning Boards. He may also assume responsibility for administration of the 
Department of Public Works if so assigned. (New; Ord. #872, S 2)
2-11 BOARD OF HEALTH.

2-11.1 Board Established. There shall be established by virtue of N.J.S.A. 26:3-2, in and for the Borough, a local Board of Health. (Ord. #368, S 16-1; Ord. #872, S 2)

2-11.2 Composition. The Board of Health shall be composed of seven (7) members to be appointed by the Mayor and confirmed by a majority vote of the members of the Council. The Mayor shall make such appointments when a vacancy occurs or within thirty (30) days after such vacancy occurs. If the Mayor shall fail to make such appointment within thirty (3) days after the office becomes vacant or if the Council shall fail to confirm a nomination made by the Mayor, then after the expiration of the thirty (30) days the Council shall appoint the member or members. No appointment shall be made except by a vote of the majority of the members present, provided that at least three (3) affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie. (Ord. #368, S 16-2; Ord. #394, S 16-2; Ord. #872, S 2)

2-11.3 Terms of Office. The members of the Local Board of Health shall hold office as follows:

a. Appointments shall be for four (4) year periods. (Ord. #368, S 16-3; Ord. #872, S 2)

2-11.4 Filling of Vacancies. Any vacancy which shall occur in the Board of Health by death, resignation or removal shall be filled in the same manner in which the original appointments were made, but for the unexpired term only. (Ord. #368, S 16-4; Ord. #872, S 2)

2-12 BOARD OF RECREATION COMMISSIONERS.

2-12.1 Board Established. There is hereby established a Board of Recreation Commissioners in the Borough. (Ord. #368, S 17-1; Ord. #872, S 2)

2-12.2 Members of Board: Number; Qualifications. The number of members of the Board shall be seven (7). All members of the Board shall be citizens and residents of this Borough. (Ord. #368, S 17-2; Ord. #872, S 2)

2-12.3 Terms of Office; Vacancies. The Commissioners first appointed shall hold office for one, two (2) and three (3) years respectively. Thereafter, all appointments to membership of the Board shall be for five (5) years. Vacancies shall be filled for the unexpired terms only. (Ord. #368, S 17-3; Ord. #872, S 2; Ord. #1999-10, S 1)

2-12.4 Compensation. The members of the Commission shall receive no compensation for their services. (Ord. #368, S 17-4; Ord. #872, S 2)

2-12.5 Appointments to Board. The members of the Board shall be appointed to membership on the Board in accordance with the statutes in such case made and provided. (Ord. #368, S 17-5; Ord. #872, S 2)
2-12.6 **Powers, Duties and Responsibilities.** The duties, powers and responsibilities of the Board shall be in accordance with the laws of the State of New Jersey. (Ord. #368, S 17-6; Ord. #872, S 2)

2-13 RESERVED.*

2-14 **ENVIRONMENTAL COMMISSION.**

2-14.1 **Creation.** The Borough of Point Pleasant Environmental Commission is hereby established pursuant to Chapter 245 of the Laws of 1968 (N.J.S.A. 40:56A-1 et seq.). (Ord. #414, S 24-1; Ord. #872, S 2)

2-14.2 **Membership; Removal; Vacancies.**

   a. The Commission shall consist of seven (7) members appointed by the Mayor, one (1) of whom shall also be a member of the Planning Board and all of whom shall be residents of the Borough; the members shall serve without compensation. The Mayor shall designate one (1) of the members to serve as Chairman and presiding officer of the Commission, annually. The terms shall be three (3) years and until the appointment and qualification of their successors.

   b. The Mayor or Borough Council may remove any member of the Commission for cause, on written charges served upon the member and after a 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 by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

   c. The Environmental Commission shall include two (2) alternate members who shall be designated as alternate #1 and alternate #2. The terms of the alternate members shall be for two (2) years, except that the term of the alternate members first appointed shall be for two (2) years for alternate #1 and one (1) year for alternate #2 so that the term of not more than one (1) alternate member shall expire in any one (1) year. A vacancy occurring in the position of an alternate member other than by expiration of the term shall be filled by the governing body for the unexpired term only. (Ord. #414, S 24-2; Ord. #872, S 2; Ord. #91-43, S 1)

2-14.3 **Powers.** 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 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, including 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

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*Editor's Note: Former Section 2-13, Local Assistance Board, previously codified herein and containing portions of Ordinance Nos. 576 and 872 was repealed in its entirety by Ordinance No. 1998-11.*
programs for inclusion in the Master Plan and the development and use of such areas. (Ord. #414, S 24-3; Ord. #872, S 2)

2-14.4 Acquisitions. The Environmental Commission may, subject to the approval of the Mayor and council of the Borough, acquire property, both real and personal, in the name of the Borough, by gift, purchase, grants, 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 reservations) as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other lands and water areas in the Borough. (Ord. #414, S 24-4; Ord. #872, S 2)

2-14.5 Records and Annual Report. The Environmental Commission shall keep records of its meetings and activities and make an annual report to the Borough Council. (Ord. #414, S 24-5; Ord. #872, S 2)

2-14.6 Appropriations. The Commission may appoint such clerks and other employees as it may require, provided the same shall be within the limits of funds appropriate to it by the Borough Council in its (Borough Council’s) discretion. (Ord. #414, S 24-6; Ord. #872, S 2)

2-15 ZONING AND CODE ENFORCEMENT OFFICER.

2-15.1 Position Created. There shall be created the position of Zoning and Code Enforcement Officer in the Borough. (Ord. #498, S 23-1; Ord. #872, S 2)

2-15.2 Responsibility for Enforcement of Certain Ordinances. It shall be the responsibility of the Zoning and Code Enforcement Officer to enforce the following enumerated ordinances as set forth in the Code of the Borough:

a. Chapter V, Animal Control.
b. Chapter III, Storage of Inoperable Automobiles.
c. Chapter XII, Section 12-3, Roadway Obstructions.
d. Chapter VIII, Section 8-2, Dangerous Structures.
e. Chapter VIII, Section 8-3, Housing Standards.
f. Chapter VIII, Section 8-5, Property Maintenance.
g. Chapter XVI, Swimming Pools, Private.
h. Chapter XIX, Land Use Regulations.
i. Chapter XII, Section 12-2, Garbage and Refuse.
j. Chapter VIII, Section 8-4, House Numbering.
k. Chapter IX, Signs.
n. Littering.
o. Personal Tangible Property.
p. Chapter X - Sewer and Water.
Subsection 10-2.5 Time Allowed for Connection to Municipal Water System

Subsection 10-2.7 Swimming Pools

Subsection 10-4.2 Making Connections Without Permit Prohibited

Subsection 10-4.3 Disconnection of Service Pipe Prohibited

Section 10-5 Inspections

Subsection 10-6.1 Sewer Connections

Section 10-8 Additional Regulations

Section 10-9 Mechanical Standards

Section 10-10 Conservation of Water

Section 10-12 Sewer Regulations

Section 10-13 Violations and Penalties

Section 10-14 Control Over Discharge; Pretreatment (Ord. #498, S 23-2; Ord. #594, S 3; New; Ord. #872, S 2; Ord. #94-28, S 1)

2-15.3 Procedure Upon Discovery of Violations.

a. Where violations of this Code or the regulations hereunder are found to exist, a written notice by the Zoning and Code Enforcement Officer shall be served on the person or persons responsible for the correction thereof.

b. Notice shall be served personally or by regular mail, addressed to the last known address of the person to be served. In the case of the occupancy, notice may be posted upon the main entrance door of the building, and in the case of an owner, the last known address shall be the address of the owner as shown in the records of the office of the Tax Assessor.

c. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time, not to exceed ten (10) days, in instances that written requests to the Zoning and/or Code Enforcement Officer have not been made, and to abate the violation, the right of the person served to request a hearing and that the notice shall become an order of the Zoning and Code Enforcement Official in ten (10) days after service unless a hearing is requested pursuant to these provisions.

d. Within ten (10) days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon by serving a written request within the ten (10) day period in person or by certified mail on the Zoning and Code Enforcement Officer. Such request for a hearing shall set forth briefly the reasons for which the request for a hearing is made and the factual matters contained in the notice of violation for which the hearing is requested. The Zoning and Code Enforcement Officer, upon receipt of the request for hearing, shall within thirty (30) days therefrom and upon five (5) days notice to the parties so requesting, conduct a hearing.
e. At the hearing provided hereunder, the Zoning and Code Enforcement Officer shall hear all parties, and his final determinations shall be made within ten (10) days from the completion of the hearing. He shall then issue an order incorporating the determination and directions contained in the notice, modifying said notice if he so deems necessary. The Zoning and Code Enforcement Officer may extend the time for correction of the violations where he deems necessary.

f. In the event the violation is not abated, removed, cured or otherwise fully remedied within the time period prescribed in the initial notice or extended time period as permitted by the Zoning and Code Enforcement Officer, a summons shall then be issued against such person or persons charged with the violation.

(Ord. #498, S 23-2; New; Ord. #872, S 2; Ord. #92-66, S 1)

2-16 SUPERINTENDENT OF PUBLIC WORKS.

2-16.1 Department of Public Works. There shall be a Department of Public Works, the head of which shall be the Public Works Superintendent. Subject to the supervision of the Municipal Administrator, the Superintendent shall:

a. Exercise supervision over the maintenance and care of all streets, grounds, buildings, and water and sewer systems owned by or under the jurisdiction of the Borough.

b. Supervise the collection and disposal of solid waste.

c. Supervise the maintenance and care of the motor pool, equipment, and supplies used or to be used in carrying out the above enumerated duties.

d. Perform other related duties as may be assigned, by the Borough Administrator.

(New; Ord. #872, S 2)

2-16.2 On Call Twenty-Four Hours Per Day. The Superintendent of Public Works shall be subject to call for any and all duties twenty-four (24) hours per day. (Ord. #368, S 91-2; Ord. #872, S 2)

2-17 FINANCE.

2-17.1 Purpose and Scope. The purpose of this Section is to prescribe the manner in which the Municipal Administrator shall implement procedures and supervise the purchase of all materials, supplies, equipment, work and contractual services of the Borough. (Ord. #683, S 1; Ord. #872, S 2)

2-17.2 Powers and Duties.

a. The Municipal Administrator shall have the power and it shall be his duty to purchase or contract for the purchase of all supplies, materials, equipment, various types of work and contractual services needed by any Municipal Department, Board or Commission (using agency) in accordance with State Law, the directives of the Mayor and Council, and such regulations prescribed for the internal management and operation of the purchasing system.
b. Except as herein provided, it shall be unlawful for any officer or employee to order or purchase any supplies or make any contract except through the Municipal Administrator. Any contract except through the Municipal Administrator. Any contracts or purchases made contrary to the established procedures shall not be approved and the Borough will not be bound thereby.

c. In addition to the authority and duties conferred above, the Municipal Administrator shall:

1. Act to procure the highest quality in supplies and contractual services at least cost to the community.
2. Establish and enforce rules and regulations setting forth procedures and forms to be used in the purchase of all supplies and contractual services for using agency.
3. Maintain a vendor’s catalogue file according to materials, containing descriptions of vendor’s commodities.
4. Discourage collusive bidding and endeavor to obtain as full and open competition as possible in all purchases.
5. Procure all allowable exemptions, discounts and price reductions.
6. With the cooperation and assistance of the using agencies, supervise the preparation of standardized specifications for supplies, materials and services to be purchased or placed under contract agreement.
7. Sell or otherwise dispose of all obsolete or unusable personal property of the Borough in accordance with the laws of the State of New Jersey and Borough regulations.

(Ord. #683, S 2; Ord. #872, S 2)

2-17.3 Conflict of Interest Prohibited. Any purchase order or contract in which any Borough Officer or employee is financially interested, directly or indirectly, shall be void.

The Municipal Administrator and every officer and employee of the Borough and its agencies are expressly prohibited from soliciting or accepting, directly or indirectly, from any person to which any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the Borough.

(Ord. #683, S 3; Ord. #872, S 2)

2-17.4 Competitive Bidding Required. All purchases of contracts for supplies, materials and contractual services and all sales of obsolete or unusable municipal personal property shall be made pursuant to the “Local Lands and Building Law”.

(Ord. #683, S 4; Ord. #872, S 2)

2-17.5 Specifications. The Municipal Administrator, assisted by the using agencies, shall supervise the preparation of written specifications for the purchase of all goods and services. All specifications shall be drafted in a manner to encourage free and open competitive bidding.

(Ord. #683, S 5; Ord. #872, S 2)

2-17.6 Purchases; Over $9,200.00. All supplies and contractual services estimated to cost in excess of nine thousand two hundred ($9,200.00) dollars shall be purchased by formal, written contract from the lowest responsible bidder in
accordance with the New Jersey Statutes. (Ord. #683, S 6; Ord. #747, S 1; Ord. #872, S 2; Ord. #91-23, S 1)

2-17.7 Award of Contract. The Municipal Administrator or Council designee shall review the proposals, assisted as necessary by the using agency, and recommend appropriate action to the governing body for all contracts in excess of nine thousand two hundred ($9,200.00) dollars. Only the municipal governing body shall have the authority to award a contract, reject all bids or declare a bidder irresponsible and specify a penalty. (Ord. #683, S 7; Ord. #747, S 2; Ord. #872, S 2; Ord. #91-23, S 2)

2-17.8 Purchases; Under $9,200.00. All purchases of supplies and contractual services of less than nine thousand two hundred ($9,200.00) dollars shall be made in the open market in accordance with N.J.S.A. 40A:11-6.1 without newspaper advertisement or use of formal, sealed bids. The Municipal Administrator or designee shall prescribe the procedures to be followed in making such purchases. (Ord. #683, S 8; Ord. #872, S 2; Ord. #91-23, S 3)

2-17.9 Requisitions and Estimates. Every department or using agency head shall file detailed requisitions and estimates of their requirements for supplies and contractual services in the time and manner prescribed by the Municipal Administrator.

The Municipal Administrator shall examine such requisitions and have the authority to revise them as to quantity, quality or price after consultation with the head of the requesting using agency. (Ord. #683, S 9; Ord. #872, S 2)

2-17.10 Certification of Funds. No purchase may be authorized or obligations incurred unless it first bears the signature of the Chief Financial Officer certifying that sufficient appropriated funds are available and have been reserved to pay in full the value of the purchase. Such certification shall be in the form and manner prescribed by the Municipal Administrator. (Ord. #683, S 10; Ord. #872, S 2)

2-17.11 Testing and Inspections. The Municipal Administrator, or by his delegation the head of the using agency, shall inspect or supervise the inspection of all deliveries of supplies or contractual services to assure their conformance with the specifications set forth in the order or contract. (Ord. #683, S 11; Ord. #872, S 2)

2-17.12 Payment of Claims. Claims for payment shall be paid by the Chief Financial Officer. However, no claim for payment shall be paid unless the Municipal Administrator or by his delegation the head of the using agency shall certify in writing that corresponding goods or services have been satisfactorily received. (Ord. #683, S 12; Ord. #872, S 2)

2-17.3 Emergency Purchases. Emergency purchases are restricted to situations requiring the immediate purchase of materials or supplies to meet an actual or imminent threat or danger to the public health, safety or welfare. Such purchases must be in accordance with the procedures established by the Municipal Administrator and State statute. (Ord. #683, S 13; Ord #872, S 2)

2-17.4 Budget Status Reports. At least once per month, the Mayor and Council shall receive a budget status report for each municipal agency, a listing of
all claims paid during the previous month, and a listing of payments made to each vendor during the current fiscal year. (Ord. #683, S 14; Ord. #872, S 2)

2-17.5 Inventory Procedure. All using agencies shall submit to the Municipal Administrator, in such form and manner as he may require, reports showing stocks of all supplies which are not longer needed or which have become obsolete, worn out or useless.

The Municipal Administrator shall submit to all agencies and departments, prior to the sale of surplus materials, a list of items no longer required to determine if they can use any of the equipment, parts and supplies listed.

a. The Municipal Administrator shall have the authority to transfer surplus stocks to other using agencies.

b. The Municipal Administrator shall recommend to the Mayor and Council the sale of all supplies which have become unsuited for public use or to exchange the same for, or trade in the same, for new supplies, and the Mayor and Council shall act on such recommendations.

1. Sales under this subsection shall be made to the highest responsible bidder. A record of each sale shall be made and placed on file.

(Ord. #683, S 15; Ord. #872, S 2)

2-17.16 Cooperative Purchasing.* The Municipal Administrator is authorized to participate in cooperative purchasing arrangements with the State of New Jersey and shall investigate participation in joint or cooperative purchasing plans with other units of government. Such plans shall be in accordance with agreements approved by the Borough Council and the Division of Local Government Services, N.J. Department of Community Affairs. (Ord. #683, S 16; Ord. #872, S 2)

2-17.17 Disability or Temporary Absence. The Municipal Administrator shall designate the municipal employee to act in his capacity as purchasing agent on a temporary basis in the event of the Municipal Administrator’s illness, incapacity or prolonged absence from the municipality. Such temporary appointment shall not exceed thirty (30) days without the authorization of the Mayor and Council. (Ord. #683, S 17; Ord. #872, S 2)

2-17.18 Preparation and Execution of Municipal Budget.

a. No later than December 1 of each year, the Municipal Administrator shall present the Borough Council with a detailed budgetary proposal for the upcoming year. The document shall contain operating and capital budgetary requests, recommendations from the Administrator on those requests, and a proposal for a six (6) year capital improvement program. This document shall separately identify all proposed expenditures in excess of five hundred ($500.00) dollars.

b. The Municipal Administrator shall report in his six (6) month report of operations on the status of capital improvement program appropriates as well as exceptional budget items previously identified as representative of changes in policies and/or service. At least once per year, the Municipal Administrator shall report on unexpended balances authorized by bond ordinances and shall make recommendations to the Council on the dispositions of such balances.

*Editor’s Note: See subsection 2-19.6 for the ordinance authorizing a cooperative purchasing agreement.
c. Except in emergency situations, no capital improvement expenditure shall be made unless it has been identified in the detailed capital improvement program adopted by the Council or unless it was included in a Council approved amendment to the program.

d. The Municipal Administrator shall include explanatory data, when required by the Mayor and Council, along with all resolutions presented to the Borough Council which provides for budgetary transfers among line items in excess of one thousand ($1,000.00) dollars.

(Ord. #530, S 24B-6; Ord. #734, S 1; Ord. #872, S 2)

2-18 PAYMENT OF TAXES, ASSESSMENTS AND LIENS PRIOR TO PAYMENT OF FIRE INSURANCE CLAIMS.

2-18.1 Certificate of Search for Municipal Liens Required. No insurer issuing fire insurance policies in the State of New Jersey shall pay any claim in excess of two thousand five hundred ($2,500.00) dollars for fire damages on any real property located within the Borough unless the named insured on any fire insurance police insuring such real property shall have submitted to the insurer an official certificate of search for municipal liens pursuant to R.S. 54:5-12, certifying that all taxes, assessments and other municipal liens or charges levied and assessed and due and payable against such real property have been paid or unless the insurer shall have received from the Clerk of the Borough a certified copy of a Resolution adopted pursuant to subsection 2-18.4 of this Section. (Ord. #639, S 1; Ord. #872, S 2)

2-18.2 Unpaid Taxes, Assessments or Liens. In the event that any taxes, assessments or other municipal liens or charges due and payable upon such real property shall appear on such official certificate of search to remain unpaid, no insurer issuing fire insurance policies in the State of New Jersey shall pay any claim in excess of two thousand five hundred ($2,500.00) dollars for fire damages on any such real property located within the Borough until such time as all such taxes, assessments and all other municipal liens or charges due and payable as appearing on such official certificate of search shall have been paid either by the owner of such real property or by the insured pursuant to subsection 2-18.3, or until the insured shall have received from the Clerk of the Borough a certified copy of a Resolution adopted pursuant to subsection 2-18.4. (Ord. #639, S 2; Ord. #872, S 2)

2-18.3 Payment to the Borough by Insurer. Unless a resolution is received in accordance with subsection 2-18.4 by an insurer writing fire insurance policies upon any real property located within the Borough, such insurer shall be and is hereby required, prior to the payment of any claims in excess of two thousand five hundred ($2,500.00) dollars for fire damages upon such real property, to pay to the Borough the amount of all liens appearing on an official certificate of search together with such other recorded liens or related charges as may be certified to the insurer; provided, however, that if an appeal is or has been taken and remains pending on the amount of any lien or charge, other than an appeal on the assessed valuation of such real property pursuant to R.S. 54:3-21, the insurer shall issue a draft payable to the Court of record pursuant to N.J.S.A. 17:36-10, in an amount totaling seventy-five (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 insurer shall issue a draft payable to the Borough of Point Pleasant for the
remaining twenty-five (25%) percent of any such lien or charge being contested, with the full amount paid by the insured to the court and the Borough not to exceed the proceeds payable under its insurance policy pending termination of all proceedings, at which time such monies and all interest accruing thereon shall be disbursed in accordance with the final Order or Judgment of the Court, pursuant to N.J.S.A. 17:36-10. (Ord. #639, S 3; Ord. #872, S 2)

2-18.4 Authorization for Borough to Enter Written Agreement with Property Owner. The Borough Council is hereby authorized to enter into a written agreement with the owner of any fire damaged property located within the Borough to pay in full all delinquent taxes, assessments or other municipal liens by installments, pursuant to R.S. 54:5-19 or for the redemption of any tax sale lien by installment payments pursuant to N.J.S.A. 5-65 et seq., provided, however, that the Borough Council shall have been satisfied that any claim for fire damages which is subject to the terms and conditions of this Section shall, if aid to the owner of any fire damaged property prior to the payment in full of all delinquent taxes, assessments or other municipal liens, be used to restore or improve such fire damaged property. Any insurer receiving a certified copy of a resolution of agreement from the Clerk of the Borough is hereby authorized to make full payment on a claim to the named insured who is the owner of the fire damaged property and who has entered into a written agreement with the Borough of Point Pleasant as hereinabove provided. (Ord. #639, S 4; Ord. #872, S 2)

2-18.5 Official Certificate of Search Prepared by Tax Collector; Written Request. The official certificate of search required by the terms and conditions of this Section shall be prepared by the Tax Collector of the Borough or such other bonded officials as may be designated to prepare such certificates, provided that the Tax Collector of the Borough or such other official has received a written request for the same from the owner of any fire damaged property or other individual having an insurable interest in the same, and, further provided that such written request shall specify that the search for municipal liens concerns fire damaged property. Any such written request shall include but shall not be limited to the following information:

a. Name and address of the person making the request for a search for municipal liens.

b. Name and address of the owner of record of the fire damaged property if different from the person making the request for a search for municipal liens.

c. The location of the fire damaged property by lot and block number as shown on the official tax map of the Borough.

d. The name, address and policy number of any insured and fire insurance policy subject to the provisions of this Section.

e. Information relating to any pending appeal including the Docket Number and Court of Record of the same. The official certificate of search required by the terms and conditions of this Section may, from time to time, be altered by the Tax Collector of the Borough or such other official as may be designated to prepare such certificate, in order to correct any errors or omissions or to add any municipal liens or related charges due and payable subsequent to the preparation of such official certificate of search. (Ord. #639, S 5; Ord. #872, S 2)
2-18.6 Copy Filed. The Clerk of the Borough shall file a certified copy of this Section with the State Commissioner of Insurance. (Ord. #639, S 6; Ord. #872, S 2)

2-19 INTERLOCAL SERVICES.*

2-19.1 Cooperative Participation in the Community Development Program.

a. *Preamble.* Certain Federal Funds are potentially available to a County under Title I of the Housing and Community Development Act of 1974, as amended commonly known as Community Development Block Grant Program; and it is necessary to establish a legal basis for the County and its people to benefit from this program. An agreement has been proposed under which the Borough of Point Pleasant and the County of Ocean in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et seq.; and it is in the best interest of the Borough of Point Pleasant to enter into such agreement.

b. *Agreement Executed.* The attached agreement* is hereby approved and the appropriate municipal officials are hereby authorized and directed to execute same in accordance with the provisions of law.

(Ord. #707, S 1; Ord. #782; Ord. #872, S 2; Ord. #876; Ord. #91-22; Ord. #92-61)

2-19.2 Contract for Health Services with Ocean County.

a. *Preamble.* N.J.S.A. 26:3A2-1, et seq. requires that certain health services known as Core Activities must be provided by each municipality by April 1, 1978; and the Borough and the Point Pleasant Board of Health are not equipped to provide the services. The County of Ocean through the Ocean County Health Department is equipped and prepared to provide the aforesaid Core Activities to the residents of the Borough of Point Pleasant, N.J.S.A. 40:8A-1 et seq. known as the "Interlocal Services Act" authorized Counties and Municipalities to enter into contracts for the joint provisions of health services.

b. *Contract Executed.* The appropriate officials of the Borough of Point Pleasant are hereby directed to enter into and execute a contract with the County of Ocean for the furnishing of Core Activities in accordance with N.J.S.A. 26:3A2-1, et seq. and certain Elective Activities set forth in Chapter 51, Title 8 of the New Jersey Administrative Code specifying required public health activities and minimum standards of performance for local Boards of Health in New Jersey.

c. *Health Officer Designated.* The Public Health Coordinator of the County of Ocean is hereby designated as the Health Officer of the Borough of Point Pleasant, who shall be its general agent for the enforcement of its ordinances and the sanitary laws of the State of New Jersey with respect to

*Editor's Note: A copy of the agreement as referred to herein can be found on file in the office of the Borough Clerk. Interlocal Service Agreements which have been superseded include Ordinance Nos. 579, 652, 666, 749, 765, 845, 848, 858 and 872. Interlocal Service Agreements adopted but not codified include Ordinance Nos. 90-1 and 90-2.
the direction, enforcement and supervision of all public health activities provided to the Borough of Point Pleasant by the County of Ocean.

d. **Ocean County Health Department Designated as Agent.** The Ocean County Health Department is hereby designated as the agent of the Point Pleasant Board of Health to carry out a program of public health services in conformance with the Local Health Services Act and those services provided for in N.J.S.A. 44:13-1.

e. A copy of this subsection together with an executed copy of the contract shall be forwarded to the Ocean County Health Department.

(Ord. #582, S 1-4; Ord. #872, S 2)

2-19.3 Sewer Service Agreement with the Borough of Bay Head.

a. **Preamble.** N.J.S.A. 40:8A, et seq., entitled the "Interlocal Services Act" authorizes the execution of joint services agreements between municipalities; and sewerage service for a twenty-four (24) lot subdivision in the Borough of Bay Head can be more economically provided by the Borough of Point Pleasant than by the Borough of Bay Head.

b. **Agreement Executed.** The appropriate officials of the Borough of Point Pleasant are hereby authorized to execute a Sewer Service Agreement with the Borough of Bay Head, which agreement established the rights and obligations of both municipalities in regard to the provision of Sewerage Service to the subdivision and the collection of appropriate fees from the owners of properties within the subdivision. Copies of the agreement are available for inspection in the office of the Borough Clerk.

(Ord. #698, S 1; Ord. #872, S 2)

2-19.4 All Code Agreement.*

a. **Preamble.** The Uniform Construction Code Act, N.J.S.A. 52:27D-119, et seq., the implementing regulations of the Department of Community Affairs, has established a system for all types of construction code inspections. The Interlocal Services Act, N.J.S.A. 40:8A-1, et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services.

The Borough has previously, pursuant to Ordinance No. 858 adopted on March 7, 1989, entered into an All Code Agreement with the County of Ocean for the provision of electrical and plumbing services required under the Act and the regulations promulgated there-under, and now wishes to amend the aforementioned All Code Agreement previously entered into by the Borough and the County to include fire protection inspection services in addition to plumbing and electrical inspection services, and to designate the County as its agent for the provision of said services.

b. **Agreement Executed.** The Mayor and Borough Clerk are hereby authorized and directed to enter into and execute the amendment to the All Code Agreement with the County of Ocean, designating the County of Ocean as the agent of the municipality for the provision of fire protection inspection services.

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* **Editor's Note:** An amendment to the All Code Agreement providing for a revision of the Fee Schedule was adopted by Ordinance Nos. 92-53, 93-21 and 97-17. See Chapter VIII of this Code for Construction Code Fees.
services required in the provisions of the Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and the regulations promulgated thereunder.

c. **Public Record.** A copy of said contract is on file and available for public inspection at the Borough Clerk's Office which is located at 2233 Bridge Avenue, Point Pleasant, New Jersey, any weekday between the hours of 9:00 a.m. and 4:00 p.m.

(Ord. #91-25, SS 1, 2)

### 2-19.5 Water and Sewer Service Agreement with the Borough of Point Pleasant Beach.

a. **Preamble.** N.J.S.A. 40:8A et seq., entitled the "Interlocal Services Act" authorizes the execution of joint services agreements between municipalities; and water and sewerage service for a twenty-nine (29) residential lot and a single commercial lot subdivision in the Borough of Point Pleasant Beach can be more economically provided by the Borough of Point Pleasant than by the Borough of Point Pleasant Beach.

b. **Agreement Executed.** The appropriate officials of the Borough of Point Pleasant are hereby authorized to execute a Water and Sewer Service Agreement with the Borough of Point Pleasant Beach, which agreement establishes the rights and obligations of both municipalities in regard to the provision of water and sewerage service to the subdivision and the collection of appropriate fees from the owners of properties within the subdivision. Copies of the agreement are available for inspection in the office of the Borough Clerk.

(Ord. #763, Preamble, S 1; Reso. 12/17/85; Ord. #872, S 2)

### 2-19.6 Cooperative Purchasing Agreement.

a. **Preamble.** Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Governing Body is hereby authorized to enter into a Cooperative Purchasing Agreement with the Lead Agency or any other contracting unit within the County of Ocean or adjoining counties for the purchase of work, materials and supplies.

b. **Responsibility of Lead Agency.** The Lead Agency entering into contracts on behalf of the Borough of Point Pleasant, shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) and all other provisions of the Revised Statutes of the State of New Jersey.

(Ord. #90-4)

### 2-19.7 Proposed Rate Schedule for Loaning of Borough Equipment.

a. **Preamble.** N.J.S.A. 40:8A et seq. entitled the "Interlocal Services Act" authorizes the execution of joint service agreements between municipalities. The Borough of Point Pleasant has been requested, from time to time, by neighboring municipalities to loan to those neighboring municipalities various pieces of equipment owned and operated by the Borough and primarily utilized by the Department of Public Works. The Borough hereby establishes for mutual exchange and payment purposes a rate schedule for the following items of equipment. It is the intent to establish a minimum and maximum range for the value of the equipment and that the annual rate schedule shall be adopted by the Borough Council,
which rate schedule shall continue until amended by the Borough Council from time to time as the needs and market conditions dictate.

1. (a) Jet Vac ……….. $50.00 per hour minimum $100.00 per hour maximum

   Salary for
   operator ………. $20.00 per hour minimum $40.00 per hour maximum

(b) Air compressor …$75.00 per day minimum $125.00 per day maximum

(c) Cut-off saw………. $45.00 per day minimum $70.00 per day maximum

(d) Road grader …… $50.00 per hour minimum $100.00 per hour maximum

   Salary for
   operator ……….. $20.00 per hour minimum $40.00 per hour maximum

b. **Operator Required.** In the event that a neighboring municipality which is to utilize the jet vac and/or road grader owned by the Borough, the Borough will consider loaning that equipment to the neighboring municipality only upon condition that the Borough supplies the operator for the particular piece of equipment, at the salary schedule hereby established.

c. **Liability Insurance.** The borrowing municipality shall provide its own liability insurance. Under no circumstances or conditions shall the Borough be held responsible or liable for any damage or injury to any employee, other person, or personal/private property as a result of the borrowing municipality utilizing the aforementioned equipment. The borrowing municipality shall be responsible for any and all repairs necessary as a result of its use of said equipment.

   (Ord. #92-45, S 1)

### 2-19.8 Emergency Telecommunications Services.

a. **Preamble.** The State of New Jersey has mandated under N.J.S.A. 52:17C-1 et seq. that the counties and municipalities implement a 911 Emergency Telecommunications Service Program; and

   The County of Ocean has offered to all municipalities an opportunity to participate in the Ocean County Enhanced 911 Emergency Telecommunications Services Program.

   The Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services; and

   The Borough of Point Pleasant wishes to enter into an agreement with the County of Ocean for the provision of 911 Emergency Telecommunications Service.

b. **Agreement Executed.** The Mayor and Clerk of the Borough of Point Pleasant are hereby authorized and directed to enter into and execute an Interlocal Services Agreement with the County of Ocean for the provision
of 911 Emergency Telecommunications Services as more specifically set forth therein.

c. *Copy on File.* A copy of that agreement is on file and available for public inspection at the Borough Clerk’s Office.
(Ord. #93-9, Preamble, SS 1, 2)

### 2-20 MISCELLANEOUS FEES.

a. *Duplicate Tax Bills.* One ($1.00) dollar per copy.

   1. Copies which are mailed.
      (a) First three (3) pages …… Five ($5.00) dollars per page.
      (b) Subsequent copies……… One ($1.00) dollar per page.
   2. Copies picked up at Police Headquarters…..Fifty ($.50) cents per page.

c. *Miscellaneous Municipal Records and Documents.*
   1. First five (5) copies……………………Fifty ($.50) cents per page.
   2. Copies six (6) through fifty (50)…… Twenty-five ($.25) cents per page.
   3. Copies fifty-one (51) and those thereafter…..Ten ($.10) cents per page.

d. *Recreation Program Fees.*
   1. The Borough hereby establishes the following rate schedule for all the recreation programs currently offered or under consideration for implementation. It is the intent to establish a minimum and maximum range for each program and that an annual rate schedule shall be adopted by the Borough Council, which rate shall continue until amended by the Borough Council from time to time as recommended by the Superintendent of Recreation and/or the Recreation Commission as dictated by the needs and costs of each particular program.

   (a) Fees:

<table>
<thead>
<tr>
<th>Program</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kinderschool</td>
<td>$ 85.00</td>
<td>$350.00</td>
</tr>
<tr>
<td>Kindergym</td>
<td>60.00</td>
<td>250.00</td>
</tr>
<tr>
<td>Tennis</td>
<td>30.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Men's Summer Basketball (per team)</td>
<td>300.00</td>
<td>400.00</td>
</tr>
<tr>
<td>Gymnastics</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Rollerskating</td>
<td>15.00</td>
<td>40.00</td>
</tr>
<tr>
<td>Bowling</td>
<td>30.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Activity</td>
<td>Regular</td>
<td>Late</td>
</tr>
<tr>
<td>-------------------------------</td>
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<td>-------</td>
</tr>
<tr>
<td>Bumper Bowling</td>
<td>15.00</td>
<td>40.00</td>
</tr>
<tr>
<td>Field Hockey</td>
<td>30.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Recreation and Crafts</td>
<td>75.00</td>
<td>175.00</td>
</tr>
<tr>
<td>Kindercamp</td>
<td>65.00</td>
<td>150.00</td>
</tr>
<tr>
<td>Learn to Swim</td>
<td>35.00</td>
<td>60.00</td>
</tr>
<tr>
<td>Teen Dances</td>
<td>3.00</td>
<td>15.00</td>
</tr>
<tr>
<td>Fireworks Cruise</td>
<td>4.50</td>
<td>20.00</td>
</tr>
<tr>
<td>Story Craft Hour</td>
<td>20.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Tiny Tot Fitness</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Pee Wee Dances</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Women's Basketball (per team)</td>
<td>150.00</td>
<td>250.00</td>
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<tr>
<td>Biddy Basketball</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Baton Twirling</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Pee Wee Twirling</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Cheerleading and Acrobatics</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Pee Wee Cheering</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Jazz Dancing</td>
<td>25.00</td>
<td>50.00</td>
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<tr>
<td>Karate</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Junior Wrestling</td>
<td>20.00</td>
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<tr>
<td>Boys' Basketball</td>
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<tr>
<td>Girls' Basketball</td>
<td>25.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Ballroom Dancing</td>
<td>50.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Creative Dramatics</td>
<td>55.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Girls' Summer Basketball League (per team)</td>
<td>300.00</td>
<td>400.00</td>
</tr>
<tr>
<td>Cheerleading Camp</td>
<td>52.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Fishing Tournament</td>
<td>5.00</td>
<td>40.00</td>
</tr>
<tr>
<td>All Trips</td>
<td>22.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Flea Market (per table)</td>
<td>5.00</td>
<td>25.00</td>
</tr>
<tr>
<td>Wee Tots</td>
<td>20.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Karaoke</td>
<td>3.00</td>
<td>25.00</td>
</tr>
<tr>
<td>Step Aerobics</td>
<td>20.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Adult Beach Fees</td>
<td>6.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Children Beach Fees</td>
<td>5.00</td>
<td>15.00</td>
</tr>
<tr>
<td>Senior Citizen Beach Fees</td>
<td>5.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Easter Egg Hunt</td>
<td>2.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Basketball Clinic</td>
<td>20.00</td>
<td>75.00</td>
</tr>
<tr>
<td>Fast and Easy Crafts</td>
<td>10.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Aerosculpt</td>
<td>40.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Step and Sculpt</td>
<td>40.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Dance Camp</td>
<td>40.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Basic Drawing</td>
<td>15.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Calligraphy</td>
<td>15.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Mixed Media</td>
<td>15.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Baby Sitting Instruction Sessions</td>
<td>5.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Hip Hop</td>
<td>25.00</td>
<td>75.00</td>
</tr>
</tbody>
</table>
Program | Minimum | Maximum
--- | --- | ---
Ballet | $25.00 | $75.00
Pee Wee Twirling | 25.00 | 75.00
Winter Basketball | 30.00 | 90.00
Healthy Eating Class | 15.00 | 50.00
Dance Camp | 40.00 | 150.00
CPR Class | 15.00 | 75.00
Winter Ski Trip Packages | 5.00 | 150.00

e. *Web Site Lease Fee.* The Borough hereby establishes an annual rental fee for utilization of portions of its Web Site:

1. Fees.

   (a) **Alphabetical Listing:**
   Includes company name, address and telephone number.
   
   $0- per year

   (b) **Extend Business Listing:**
   Listing under business category (i.e.: restaurants, hair salons, etc.)
   Includes: 1 graphic, address, telephone number, description of business and/or product/services/specialties, e-mail address and hypertext to web site if one exists.
   
   $65 per year

   (c) **Revolving Home Page Banner:**
   Prime location. First advertising on Point Site revolves to showcase multiple banners.
   Includes graphic/logo which must be submitted in camera ready format or scanable art.
   
   $225 per year

   (d) **Animated Banner:**
   Placed through Point Site on a first come first serve basis.
   
   $175 per year

   (e) **Static Banner:**
   Placed throughout Point Site on a first come first serve basis.
   
   $150 per year

2. The annual rental fee is due and payable to the Borough On January 1 of each year. For 1998 the annual rental fee shall be apportioned based upon the date of application to December 31, 1998, on a pro rata basis.
3. Applications for leasing a portion of the Borough's Web Site are on file with the office of the Borough Clerk, and can be obtained during normal business hours. All fees are due and payable to the Borough of Point Pleasant at the address of the Borough Clerk located at 2233 Bridge Avenue, Point Pleasant, New Jersey, 08742.

4. The availability and opportunity to lease a portion of the Borough's Web Site is limited solely to businesses located in the Borough of Point Pleasant Borough.

5. The information to be provided on the Borough's Web Site by businesses located in the Borough of Point Pleasant Borough shall be designed by the Borough of Point Pleasant. The information for the design shall be submitted to the Administration and Finance Subcommittee of the Borough Council and approved by the Administration and Finance Committee as to form and substance. (Ord. #688, S 4; Ord. #872, S 2; Ord. #92-67, S 1; Ord. #93-2, S 1; Ord. #93-27, S 1; Ord. #94-10, S 1; Ord. #95-2, S 1; Ord. #95-07, S 1; Ord. #95-23, S 1; Ord. #1996-18, S 1; Ord. #97-01, S 1; Ord. #1998-20, S 4)

2-21 MUNICIPAL ATTORNEY.

2-21.1 Creation of Office. The office of Municipal Attorney of the Borough is hereby created pursuant to N.J.S.A. 40A:9-139. (Ord. #872, S 2)

2-21.2 Appointment. The Municipal Attorney shall be appointed by the Mayor with the consent of the Council. (Ord. #872, S 2)

2-21.3 Term. The term of the Municipal Attorney shall be for one year. (Ord. #872, S 2)

2-21.4 Compensation. The compensation to the Municipal Attorney shall be that as provided for in a contract of employment. (Ord. #872, S 2)

2-21.5 Qualifications. The Municipal Attorney shall be an Attorney at Law Licensed to practice in the State of New Jersey and who is in good standing. (Ord. #872, S 2)

2-21.6 Power and Duties. The powers and duties of the Municipal Attorney shall be to:

a. Provide legal advice and assistance to the Mayor and Council, Administrator, department heads, officer and boards of the Borough, except where prohibited by law or otherwise directed by the Mayor and Council.

b. Represent the Borough in all litigation to which it is party, including tax appeals.

c. Draft ordinances and resolutions and advise as to their form and sufficiency prior to passage or approval.

d. Review and approval all contracts, deeds, documents and instruments prior to execution.
e. Conduct appeal from orders, decisions or judgments affecting any interest in the municipality as directed by the Mayor and Council.

f. Maintain a record of all actions, suits, proceedings and matters which relate to the Borough’s interest and report thereon from time to time the Municipal Administrator or Mayor and Council may require.

g. Render opinions, in writing, upon questions of law upon the request of the Mayor and Council or the Municipal Administrator and maintain an index record of all the opinions rendered.

h. Attend all meetings of the Mayor and Council and also of other Borough boards, commissions, department or agencies, as directed by the Mayor and Council.

i. Supervise and direct the work of any special attorney or counsel the Mayor and Council may authorize.

j. Serve as attorney for foreclosure of tax title liens unless otherwise directed by the Mayor and Council.

k. Work with and through the office of the Municipal Administrator on all affairs that concern the Mayor and Council.

(Ord. #872, S 2)

2-22 MUNICIPAL AUDITOR.

2-22.1 Creation of Office. The office of the Municipal Auditor of the Borough is hereby created. (Ord. #872, S 2)

2-22.2 Appointment. The Municipal Auditor shall be appointed by the Mayor with consent of the Council. (Ord. #872, S 2)

2-22.3 Term. The term of the Municipal Auditor shall before one year. (Ord. #872, S 2)

2-22.4 Compensation. The compensation to the Municipal Auditor shall be that as provided for in a contract of employment. (Ord. #872, S 2)

2-22.5 Duties. The Municipal Auditor shall make the annual audit and shall have the powers and perform the duties prescribed by law or the rules and regulations of the Division of Local Finance and the Department of Community Affairs of the State of New Jersey. He shall also perform such duties and render such services as may be prescribed by the Mayor and Council. (Ord. #872, S 2)

2-23 OFFICE OF EMERGENCY MANAGEMENT.

2-23.1 Creation of Office. The Office of Emergency Management Coordinator is hereby established pursuant to N.J.S.A. App. A:9-40.1. (Ord. #872, S 2)

2-23.2 Appointment. The Mayor shall appoint an Emergency Management Coordinator from among the residents of the Borough of Point Pleasant. (Ord. #872, S 2)
2-23.3 Term. The Emergency Management Coordinator, subject to fulfilling the requirements of N.J.S.A. App. A:9-40.1, shall serve for term of three (3) years. (Ord. #872, S 2)

2-23.4 Compensation. The Emergency Management Coordinator shall be provided compensation as established in the Salary Ordinance of the Borough, as amended. (Ord. #872, S 2)

2-23.5 Duties. The Emergency Management Coordinator shall:


b. Appoint a Deputy Emergency Management Coordinator pursuant to and by the authority of N.J.S.A. App. A:9-40.3. (Ord. #872, S 2)

2-23.6 Removal. Removal of the Emergency Management Coordinator shall be established and provided for as indicated in N.J.S.A. App. A:9-40.2. (Ord. #872, S 2)

2-23.7 Emergency Management Council. There is hereby established the Borough of Point Pleasant Emergency Management Council as provided for in N.J.S.A. App. A:9-41. (Ord. #872, S 2)

2-24 MUNICIPAL PROSECUTOR.

2-24.1 Creation of Office. There is hereby created the office of Municipal Prosecutor of the Borough of Point Pleasant. (Ord. #872, S 2)

2-24.2 Appointment. The Municipal Prosecutor shall be appointed by the Mayor with the consent of the Council. (Ord. #872, S 2)

2-24.3 Term. The Municipal Prosecutor shall serve for a period of one year. (Ord. #872, S 2)

2-24.4 Compensation. The compensation of the Municipal Prosecutor shall be that as provided for in the contract of employment. (Ord. #872, S 2)

2-24.5 Duties. The duties of Municipal Prosecutor shall be to conduct prosecution for offenses and ordinance violations cognizable by the Municipal Court of the Borough of Point Pleasant. (Ord. #872, S 2)

2-25 CHIEF FINANCIAL OFFICER.*

2-25.1 Creation of Office. The Office of the Chief Financial Officer of the Borough is hereby created pursuant to P.L. 1988, c.110. (Ord. #872, S 2)

2-25.2 Appointment. The Chief Financial Officer shall be appointed by the Mayor with the consent of the Council. No person shall hold office as Mayor or member of Council hold office as Chief Financial Officer. (Ord. #872, S 2)

* Editor's Note: The Office of Chief Financial Officer was originally established by Ordinance No. 856.
2-25.3 Term. The term of the Chief Financial Officer shall be for one year from date of confirmation by the Council. Any person who has served as Chief Financial Officer for a period of no less than five (5) consecutive years, who is a holder of a Municipal Finance Officer certificate shall be granted tenure upon filing with the Clerk of the municipality and with the Division of Local Government Services in the Department of Community Affairs a notification evidencing his or her compliance. (Ord. #872, S 2)

2-25.4 Salary. The Salary of the Chief Financial Officer shall be established by the Borough Council in the Annual Salary and Wage Ordinance of the Borough as amended. (Ord. #872, S 2)

2-25.5 Qualifications. The Chief Financial Officer shall meet the qualification requirements of Chapter 110, public Laws 1988, and any amendments thereto, and the regulations of the State of New Jersey, Department of Community Affairs, Division of Local Government Services which are adopted pursuant to the “Administrative Procedure Act”. (Ord. #872, S 2)

2-25.6 Full Time Position. The Chief Financial Officer shall devote full time to the interests of the Borough and shall not hold any outside employment. (Ord. #872, S 2)

2-25.7 Residency. With nine (9) months of the date of his or her appointment, and during his term, the Chief Financial Officer must be a permanent resident of the Borough unless this requirement is waived by resolution of a majority vote of the full membership of the Council. (Ord. #872, S 2)

2-25.8 Removal.

a. Tenured Office Holders. Persons granted tenure pursuant to subsection 2-25.3 shall continue to hold office during good behavior and efficiency and shall not be removed therefrom except for just cause and then only after a public hearing upon a written complaint setting forth the charge or charges against him or her, or upon revocation of certification of the Division of Local Government Services.

The complaint shall be filed with the Municipal Clerk and a certified copy thereof shall be served upon the person so charged, with notice of the designated hearing dated before member of the governing body, which shall be not less than ten (10) days nor later than thirty (30) days from the date of service of the complaint. The hearing date shall be fixed by resolution of the governing body.

The person so charged by the governing body shall have the right to be represented by counsel and the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to review the determination of the governing body which court shall hear the cause de novo on the record below and affirm, modify or set aside such determination.

Either party may supplement the record with additional testimony subject to the rules of evidence.

b. Non-tenured Office Holders. Persons holding the Office of Chief Financial Officer without tenure may be removed by a two-thirds (2/3) vote of the full membership of the Council. The resolution of removal shall become effective three (3) months after the adoption of same by the Council, unless the resolution provides that it shall have immediate effect. In such event, the Council shall cause
to be paid to the Chief Financial Officer forthwith any unpaid balance of his or her salary for the next three (3) months following adoption of the resolution.  
(Ord. #872, S 2)

2-26 CULTURAL AFFAIRS ADVISORY COMMITTEE.

2-26.1 Creation; Membership, Terms, Organization.

a. There is hereby created a Cultural Affairs Advisory Committee for the Borough of Point Pleasant which shall consist of seven (7) members to be appointed by the Borough Council. The members shall be appointed as follows:

1. Two (2) members of the Recreation Commission to be appointed by the Borough Council for a one (1) year term.

2. Five (5) citizen members appointed by the Borough Council for terms of three (3) years, except the first appointees shall be appointed as follows: one (1) for a term of one (1) year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. Where possible, these five (5) members shall be chosen to represent the various cultural interests in the Borough, including artisans and members of the business community.

3. One (1) member of the Borough Council shall be appointed by the Borough Council to serve as liaison.

4. The Chairman of the Recreation Commission shall serve as an ex officio member.

5. The Point Pleasant Borough Chamber of Commerce shall be requested by the Borough Council to appoint a member to act as liaison to the Cultural Affairs Advisory Committee.

b. Organization.

1. The Cultural Affairs Advisory Committee shall organize annually, adopt procedures for the conduct of its affairs, select a Chairperson and other officers to serve in accordance with adopted procedures.

2. Also, the Committee shall create subcommittees as needed from within, as well as outside of the standing committee members, to accomplish specific projects which are intensive in nature.  
(Ord. #1998-21, S 2)

2-26.2 Functions, Grants-In-Aid.

a. The Cultural Affairs Advisory Committee shall perform the following functions:

1. Advise the Borough Council on cultural affairs in the Borough.

2. Make recommendations to the Borough Council as to cultural programming needs in Point Pleasant Borough.

3. Organize and implement an annual Founder's Day celebration.
4. Work with borough staff as designated to establish new cultural programs within the Borough, including, but not limited to the following:

(a) Secure and maintain an exhibit area within the Borough for display of resident artwork. Recommend policy for and coordinate use of this area.

(b) Establish concert series programs.

(c) Bring theatrical and musical performances into the Borough.

b. In performing these functions, the Cultural Affairs Advisory Committee may receive grants-in-aid, gifts and donations and recommend the hiring of experts as provided in the Borough budget.

c. The Cultural Affairs Advisory Committee shall be deemed a part of the Borough Administration, and shall coordinate its functions with the Recreation Commission, through the offices of the Borough Administrator.

(Ord. #1998-21, S 2)

2-27 MUTUAL AID AGREEMENT FOR EMERGENCY POLICE SERVICES.

2-27.1 Preamble. N.J.S.A. 40A:14-156, 156.1, 156.2 and 156.3, authorize municipalities to enter into mutual aid and assistance agreements for police services in cases of emergencies.

The County of Ocean consists of thirty-three (33) municipalities, thirty-two (32) of which have municipal police or fire departments operating for or within the Township of Barnegat, Borough of Barnegat Light, Borough of Bay Head, Borough of Beach Haven, Borough of Beachwood, Township of Berkeley, Township of Brick, Township of Dover, Borough of Harvey Cedars, Borough of Island Heights, Township of Jackson, Township of Lacey, Borough of Lakehurst, Township of Lakewood, Borough of Lavallette, Township of Little Egg Harbor, Township of Long Beach, Township of Manchester, Borough of Mantoloking, Borough of Ocean Gate, Township of Ocean, Borough of Pine Beach, Township of Plumsted, Borough of Point Pleasant, Borough of Point Pleasant Beach, Borough of Seaside Heights, Borough of Seaside Park, Borough of Ship Bottom, Borough of South Toms River, Township of Stafford, Borough of Surf City, Borough of Tuckerton and Township of Eagleswood, which regularly interact and provide assistance to each other in police related emergencies.

Each of the aforementioned municipalities in the County of Ocean wish to formalize and refine existing practice by entering into mutual aid agreements.

(Ord. #1999-04, Preamble)

2-27.2 Mutual Aid Agreements - Established. Pursuant to N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1, et seq., there are hereby established mutual aid agreements among and between this municipality and each of the aforementioned municipalities in the County of Ocean, New Jersey, which shall become effective upon the adoption by one (1) or more of the aforementioned municipalities (hereinafter referred to as "participating municipalities") of reciprocal ordinances to provide mutual aid in police services in case of emergency. This agreement shall apply whenever this municipality may have an emergency within its
boundaries requiring additional police assistance to protect life and property, and whenever any of the aforementioned municipalities may experience a similar emergency. (Ord. #1999-04, S 1)

2-27.3 Emergency - Defined; S.O.P. For purposes of this section, the term "emergency" shall be defined to include situations in which the number of available police officers, in a participating municipality is insufficient to meet the public need in a particular situation and situations where police aid involving special expertise or training is required in order to protect life and property or to assist in suppressing a riot or disorder. No formal declaration of emergency is required to implement the provisions of the Mutual Aid Agreement. (Ord. #1999-04, S 2)

2-27.4 Requests for Assistance. The Chief or acting head of the Police Department or Mayor, or Chief Executive Officer of a participating municipality, is hereby authorized to request assistance from the Chief or other head of the Police Department of any other participating municipality to provide aid in accordance with N.J.S.A. 40A:14-156, et seq. (Ord. #1999-04, S 3)

2-27.5 Provision of Assistance. A participating municipality shall provide police assistance when a valid request in accordance with this Agreement to supply personnel is made, to the extent possible without endangering persons or property within the confines of the providing municipality. (Ord. #1999-04, S 4)

2-27.6 Powers; Rights; Immunities. The members of the providing municipality's Police Department supplying aid shall have the same powers, authority, rights and immunities as the members of the police force of the requesting municipality when aid is being rendered therein. Said members shall also have, while so acting, such rights and immunities as they may otherwise enjoy in the performance of their normal duties in the municipality rendering such assistance. (Ord. #1999-04, S 5)

2-27.7 County Critical Incident Management Plan. These mutual aid agreements established herein by and between the aforementioned municipalities in the County of Ocean shall further authorize mutual police aid and assistance under the County Critical Incident Management Plan as established by the Ocean County Prosecutor, as the Chief Law Enforcement Official in the County. The plan provides for a response by specially trained regional Emergency Response/Special Weapons and Tactics Team in the event of certain hostage, barricade, sniper, high risk armed apprehensions, terrorist or similar situations occurring within a municipality within the County of Ocean. (Ord. #1999-04, S 6)

2-27.8 Benefits; Injury; Death. Members of the police force of the providing municipality suffering injury, or their legal representatives, if death results while rendering assistance in the requesting municipality, shall be entitled to all such salary, pension rights, workmen's compensation or other benefits, as they would have accrued if such injury or death had occurred in the performance of duties in their own municipality, with such benefits to be the responsibility of the providing municipality. (Ord. #1999-04, S 7)

2-27.9 Reimbursement. A municipality receiving police assistance hereunder pursuant to the terms of the County Critical Incident Management Plan shall not be required to directly reimburse the regional team for services so provided. The
member municipalities shall however, otherwise support the function of the respective regional response teams by providing the necessary manpower, equipment and supplies on an ongoing annual basis pursuant to the terms of the County Critical Incident Management Plan.

Where emergency police aid is otherwise provided under circumstances outside of the County Critical Incident Management Plan, reimbursement shall be pursuant to N.J.S.A. 40A:14-156, or such other terms and conditions for reimbursement specifically agreed to between specific municipalities. (Ord. #1999-04, S 8)

2-27.10 Effective Date. This section shall take effect upon final passage and publication according to law. It shall become effective with respect to this municipality's activities with another participating municipality, when such other participating municipality has adopted an ordinance reciprocal to this one, and such ordinance has become effective in that municipality. (Ord. #1999-04, S 9)
CHAPTER III
POLICE REGULATIONS

3-1 NOISE CONTROL.*

3-1.1 Findings Policy. Whereas, excessive noise is a serious hazard to the public health and welfare and the quality of life; and a substantial body of science and technology exists by which excessive noise may be substantially abated; and the people have a right to and should be ensured an environment free from noise that may jeopardize their health or welfare or degrade the quality of life; and the necessity in the public interest for the provisions and prohibitions hereafter contained and enacted is declared as a matter of legislative determination and public policy; and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and the peace and quiet of the inhabitants of the Borough of Point Pleasant. (Ord. #95-08, S 1)

3-1.2 Definitions.

a. Terminology and Standards. All terminology used in this section, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

b. As used in this section, the following terms shall have the meanings indicated:

Ambient Noise Level shall mean the sound pressure level of the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources, and/or the A-weighted sound pressure level exceeded ninety (90%) percent of the time L90 based on a period of one (1) hour.

A-Weighted Sound Pressure Level shall mean the sound pressure level as measured in decibels on a sound-level meter using the A-weighting network. The level so read shall be designated "dB(A)" or "dBa."

Continuous Noise shall mean a steady, fluctuating or impact noise which exists, essentially without interruptions, for a period of one (1) hour or more.

Cyclically-Varying Noise shall mean a steady, fluctuating or impulsive noise which may or may not contain a pure tone, which varies in sound pressure level such that the same level is obtained repetitively at reasonably uniform intervals of time.

Decibel shall mean a logarithmic (dimensionless) unit of measure often used in describing the amplitude of sound. Decibel is denoted as "dB."

Department shall mean any municipal agency.

*Editor's Note: Prior ordinances codified herein include portions of Ordinance Nos. 587 and 611.
Device shall mean any mechanism which is intended to produce or which actually produces noise when operated or handled.

Emergency Vehicle shall mean a motor vehicle used in response to a public calamity or to protect persons or property from imminent danger.

Emergency Work shall mean work made necessary to restore property to a safe condition following public calamity, work to restore public utilities or work required to protect persons or property from an imminent exposure to danger.

Fluctuating Noise shall mean the sound pressure level of a fluctuating noise varies more than six (6) dB(A) during the period of observation, when measured with the slow meter characteristic of a sound-level meter, and does not equal the previously existing ambient noise level more than once during the period of observation.

Motorboat shall mean any vehicle which is primarily operated on water or which does operate on water, such as boats, barges, amphibious craft or Hovercraft, and which is at any time propelled by mechanical power.

Motor Vehicle shall mean any vehicles which are propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles.

Muffler shall mean any apparatus consisting of baffles, chambers or acoustical absorbing materials whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one (1) end.

Noise shall mean any sound which is unwanted or which causes or tends to cause an adverse psychological effect on human beings.

Noise Disturbance shall mean any sound which annoys, disturbs or perturbs reasonable persons with normal sensitivities, or any sound which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

Person shall mean any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of the United States, a state or any political subdivision of that state.

Plainly Audible Noise shall mean any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech or comprehensible musical rhythms.

Powered Motor Vehicles shall mean any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, such as, but not limited to, model airplanes, boats, cars and rockets, and which can be propelled by mechanical means.

Property Boundary shall mean any imaginary line at the ground surface, which separates the real property owned by one person from that owned by another person, and its vertical extension.

Public Right-of-Way and Public Space shall mean any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public government entity.
**Pure Tone** shall mean any noise which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third (1/3) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dB's for frequencies of five hundred (500) Hertz and above, by eight (8) dB's for frequencies between one hundred sixty (160) Hertz and four hundred (400) Hertz and by fifteen (15) dB's for frequencies less than or equal to one hundred twenty-five (125) Hertz.

**Repetitive Impulsive Noise** shall mean any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound-level meter set at fast meter characteristic will show changes in sound pressure level greater than two (2) dB(A)'s.

**Sound** shall mean a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium and which propagates a finite speed to distant points.

**Sound Level Meter** shall mean an instrument, which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks, used to measure sound pressure levels.

**Sound Pressure** shall mean the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.

**Stationary Emergency Signaling Devices** shall mean any device, excluding those attached to motor vehicles, used to alert persons engaged in emergency operations. These include, but are not limited to, firefighters, first aid squad members and law enforcement officers, whether paid or volunteer.

**Stationary Noise Source** shall mean any device, fixed or movable, which is located or used on geographically defined real property other than a public right-of-way.

**Steady Noise** shall mean a sound pressure level which remains essentially constant during the period of observation, i.e., the fluctuations are too small to meet the criterion for fluctuating noise.

**Weekday** shall mean a Monday, Tuesday, Wednesday, Thursday or Friday which is not a legal holiday.

(Ord. #95-08, S 1)

**3-1.3 Enforcement.**

a. It shall be the duty and responsibility of the Police Department of the Borough of Point Pleasant to enforce the provisions of this section.

b. **Method of Enforcement.** Violation of this section shall be cause for summons and complaint to be issued forthwith; provided, however, that if the noise source is not a motor vehicle moving on a public right-of-way, in lieu of a summons and complaint, enforcement personnel may issue a twenty-four (24) hour notice, in writing, which may be served personally or by certified mail to the last known address of the person or persons in charge of or in control of the device, building or premises to abate said violation of this Chapter. Failure to comply with the order issued and served shall constitute a violation of this section.
3-1.4 Duties of Police Department. In order to implement the purposes of this section, the Police Department of the Borough of Point Pleasant shall have the power to:

a. Studies. Conduct or cause to be conducted, studies, research and monitoring related to noise.

b. Education. Conduct programs of public education regarding the causes and effects of noise but not giving specific advice for its abatement, and to encourage the participation of public interest groups in related public information efforts.

c. Inspections. For reasonable cause and upon presentation of proper credentials, enter any building, property, premises or place and inspect any noise source for the purpose of ascertaining the compliance or noncompliance with any provision of this section or have access to and require the production of books and papers pertinent to any matter under investigation.

d. Records. Require the owner or operator of any noise source to establish and maintain records and make such reports as the Police Department may reasonably prescribe.

e. Measurements. Require the owner or operator of any noise source to measure the noise emissions thereof in accordance with such methods and procedures and at such locations and times as the Police Department may reasonably prescribe.

3-1.5 Prohibited Noises.

a. General Prohibitions. It shall be unlawful for any person to make or continue, or cause to be made or continued or caused, any excessive or unusually loud noise or to create a noise disturbance within the limits of the Borough of Point Pleasant.

b. Specific Prohibitions. The following acts, among others, are declared to be loud, disturbing or excessive noise in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

1. Horns and Signaling Devices. The sounding of any horn or signaling device of any motor vehicle on any public right-of-way, except as a danger warning signal or as provided in the Vehicle Code of the State of New Jersey.


   (a) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other device for the production or reproduction of sound, in such a manner as to cause a noise disturbance.

   (b) Operating any such device between the hours of 8:00 p.m. and 8:00 a.m. the following day in such a manner as to be plainly audible across real property boundaries or through partitions common in two (2) parties within a building or plainly audible at fifty (50’) feet from such device when operated within a motor
vehicle parked on a public right-of-way or on a public space or within a motorboat.

3. Exterior Loudspeakers. Using or operating any mechanical device or loudspeaker in a fixed or movable position exterior to any building or mounted upon any aircraft, motor vehicle or motorboat, such that the sound therefrom is plainly audible at or beyond the property boundary of the source, or on a public space or within a motorboat.

4. Animals. Owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual howling, barking, meowing, squawking or other noisemaking, cause a noise disturbance. The provisions of this subsection shall also apply to all private or public facilities, including any animal pounds which hold or treat animals.

5. Vehicle Repairs or Testing. Repairing, rebuilding, modifying or testing any motor vehicle, off-road vehicle, or motorboat in or near a residential use district in such a manner as to cause a noise disturbance or violate the provisions of subsection 3-1.7.

6. Places of Public Entertainment. Operating or permitting to be operated any loudspeaker or other source of sound in any place of public entertainment, which produces maximum levels of ninety (90) dB(A)'s at any point that is normally occupied by a human being, as read with the slow response on a sound level meter, without a conspicuous and legible sign located outside such place near the entrance stating:

"Warning Sound Environment Within May Cause Temporary Hearing Impairment Which May Become Permanent With Continued Exposure."

7. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles between the hours of 8:00 p.m. and 8:00 a.m. the following morning. Maximum sound pressure levels during the permitted period of operation shall conform to those set forth in Table I of subsection 3-1.7 and shall be measured at the property boundary of the source or at a distance of one hundred (100') feet if it is operated in a public place.

8. Refuse Compacting Vehicles. The operating or permitting the operation of any motor vehicle which can compact refuse and which creates, during the compacting cycle, a disturbing noise, between the hours of 6:00 p.m. and 6:00 a.m. the following day, in residential use districts.

9. Standing Motor Vehicles. Operating or permitting the operation an engine of a motor vehicle whose manufacturers gross weight is in excess of ten thousand (10,000) pounds, or any attached auxiliary equipment, for a period longer than three (3) minutes if the vehicle is not in motion, in any residential or commercial zone of the municipality. This section shall not apply to:

(a) Autobuses while discharging or picking up passengers.

(b) Motor vehicles stopped in a line of traffic.

(c) Motor vehicles where primary and/or secondary power sources utilized in whole or in part for necessary and definitively
prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning.

(d) Motor vehicles being or waiting to be examined by State or Federal motor vehicle inspectors.

(e) Emergency motor vehicles in an emergency situation.

(f) Motor vehicles while being repaired.

10. Bells and Alarms. The sounding or permitting the sounding of any exterior burglar alarm on any building or motor vehicle unless such burglar alarm shall terminate its operation within fifteen (15) minutes of its being activated. Any motor vehicle upon which a burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such motor vehicle.

11. Stationary Emergency Signaling Device. Testing of only the electromechanical functioning of a stationary emergency signaling device shall occur at the same time each day that a test is performed, but not before 7:00 a.m. or after 8:00 p.m. Any such testing shall only use the minimum cycle test time.

12. Loading and Unloading. Loading and unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects; or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder or pellet form; or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 6:00 p.m. and 7:00 a.m. the following day when the latter is a weekday and between the hours of 6:00 p.m. and 8:00 a.m. the following day when the latter is a legal holiday or a weekend day, except by permit, when the sound therefrom creates a noise disturbance across a residential real property line. This section shall not apply to the delivery of construction materials at a construction site.

13. Construction of Structures or Infrastructure. Construction work on structures or infrastructures in or near a residential use district between the hours of 6:00 p.m. Saturday to 8:00 a.m. Monday morning and between 6:00 p.m. on the evening preceding a legal holiday to 8:00 a.m. in the morning subsequent to any such legal holiday. Maximum sound pressure levels during the permitted periods of operation, with the exception of Sundays and legal holidays when no such work is permitted, shall conform to those set forth in Table I of subsection 3-1.7.

(Ord. #95-08, S 1; Ord. #1997-11, S 1; Ord. #1997-13, S 1; Ord. #1999-07, S 1)

3-1.6 Emergency Exceptions. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this section. Nothing in this section shall be construed to permit law enforcement, ambulance, fire or other emergency personnel to make excessive noise in the performance of their duties
when such noise is clearly unnecessary. The use of stationary emergency signaling devices shall be for emergency use only. (Ord. #95-08, S 1)

3-1.7 Land Use Noise Levels. Maximum permissible continuous sound pressure levels. It shall be unlawful for any person to operate, or permit to be operated, any stationary source of noise in such a manner as to create a sound pressure level which exceeds the limits set forth for the receiving land use (Land Use Category) in Table I when measured at the property boundary. When a noise source can be identified and its noise measured in more than one (1) land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

<table>
<thead>
<tr>
<th>Sound Source Property Category</th>
<th>Receiving Property Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Another Dwelling Within a Multi-Dwelling Unit Building</td>
<td>Residential</td>
</tr>
<tr>
<td>8:00 a.m. to 8:00 p.m.</td>
<td>8:00 a.m. to 8:00 p.m.</td>
</tr>
<tr>
<td>8:00 p.m. to 8:00 a.m.</td>
<td>8:00 p.m. to 8:00 a.m.</td>
</tr>
<tr>
<td>Any location within a multi-dwelling unit building</td>
<td>45</td>
</tr>
<tr>
<td>Residential</td>
<td>55</td>
</tr>
<tr>
<td>Commercial or public spaces or rights of way</td>
<td>65</td>
</tr>
<tr>
<td>Industrial (Ord. #95-08, S 1)</td>
<td>65</td>
</tr>
</tbody>
</table>

3-1.8 Vehicle Noise Levels.

a. Maximum Permissible Noise Levels of Motor Vehicles on Public Rights-of-Way. No person shall operate a motor vehicle on a public right-of-way at any time in such manner that the sound pressure level emitted by said vehicle exceeds the levels set forth in Table II when measured at the location established by paragraph b. This subsection shall apply to all motor vehicles, whether publicly or privately owned, that are duly licensed.

<table>
<thead>
<tr>
<th>Sound Pressure Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>(in dB(A))</td>
</tr>
</tbody>
</table>

TABLE II
Vehicle Class | Speed Limit 35 mph or less | Speed Limit 35 mph or more
--- | --- | ---
Federally registered interstate motor carrier | 86 | 90
All other motor vehicles with a manufacture's gross vehicle rating of 10,000 pounds or more, and any combination of vehicles towed by such motor vehicle | 92 | 96
Motorcycles | 88 | 92
Any other motor vehicle and any combination of vehicles towed by such motor vehicle | 82 | 88

b. **Measurement Distance.** For the purpose of paragraph a, the standard measurement height shall be four (4') feet (one and two-tenths (1.2) meters), and the standard horizontal measurement distance from the center line of the traffic lane being monitored shall be fifty (50') feet (fifteen (15) meters). Whenever it is not feasible to use fifty (50') feet, the distance may be shortened to twenty-five (25') feet (seven and five-tenths (7.5) meters), in which case the values in Table II of paragraph a. shall be increased by six (6) dB(A)'s.

c. **Maximum Permissible Noise Levels for Vehicles Operating Off Public Rights-of-Way.** No person shall operate a power propelled vehicle or recreational device off a public right-of-way in such a manner that the sound pressure level emitted therefrom exceeds the limits set forth in Table III when measured at the locations set forth in paragraph b. This subsection shall apply to all motorized vehicles and recreational devices, whether publicly or privately owned or whether or not duly registered or licensed, including but not limited to passenger cars, trucks, campers, motorcycles, minibikes, go-carts, snowmobiles, amphibious craft, dune buggies, racing vehicles, water-ski towing devices and motorboats.

**TABLE III**

<table>
<thead>
<tr>
<th>Vehicle Class</th>
<th>Sound Pressure Level (in dB(A))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vessel or watercraft</td>
<td></td>
</tr>
<tr>
<td>For vessels with engines manufactured before January 1, 1979</td>
<td>86</td>
</tr>
<tr>
<td>For vessels with engines manufactured on or after January 1, 1979, and before January 1, 1982</td>
<td>84</td>
</tr>
<tr>
<td>For vessels with engines manufactured on or after January 1, 1982</td>
<td>82</td>
</tr>
<tr>
<td>All other vehicles</td>
<td>83</td>
</tr>
<tr>
<td>(Ord. #95-08, S 1)</td>
<td></td>
</tr>
</tbody>
</table>
3-1.9 **Zoning Changes.** No zoning change, adjustment, variance or exception which affects the land use categories will be permitted unless the use to be allowed does not violate the provisions of this section. (Ord. #95-08, S 1)

3-1.10 **Truth in Selling or Renting.** No person shall sell or rent, or cause to be sold or rented, any structure to be used for habitation, outside of which structure the sound pressure levels are in excess of those permitted under subsection 3-1.7, without making full disclosure to all potential buyers or renters of the existence of such noise disturbance. (Ord. #95-08, S 1)

3-1.11 **Violations and Penalties; Other Remedies.**

a. Any person violating or failing to comply with any of the provisions of this section shall, upon conviction thereof, be punishable by a fine of not less than one hundred ($100.00) dollars, nor more than one thousand ($1,000.00) dollars, by imprisonment for a term not to exceed ninety (90) days or by community service of not more than ninety (90) days, or any combination of fine, imprisonment and community service as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

b. The violation of any provision of this section shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

c. **Other Remedies.**

1. Any remedy available pursuant to this section shall be considered separate and not exclusive of any other remedy available hereunder.

2. Nothing in this section shall be construed to impair any cause of action or legal remedy therefor of any person for injury or damage arising from any violation of this section.

(Ord. #95-08, S 1)

3-2 **CURFEW FOR HALLOWEEN SEASON.**

3-2.1 **Established.** There is hereby established within the Borough a curfew as follows:

a. No person under the age of seventeen (17) years unless accompanied by a parent or guardian shall be present upon or at any public or quasi-public place or upon any private property without the permission of the owner thereof on the following days and hours in any given year:

1. From 9:00 p.m. on October 29 to 6:00 a.m. on October 30.
2. From 9:00 p.m. on October 30 to 6:00 a.m. on October 31.
3. From 9:00 p.m. on October 31 to 6:00 a.m. on November 1.

b. The Borough Council may, by resolution, impose different and more restrictive hours and dates which shall control the enforcement of this
section during any given year provided that such resolution shall not impose a curfew beyond the parameters hereinafter set forth.

1. No curfew imposed by resolution of the Borough Council shall be applicable to any date earlier than October 25 nor later than November 2 in any given year.

2. No curfew imposed by resolution of the Borough Council shall impose such curfew between the hours of 6:00 a.m. and 8:00 p.m. on any given day.

3. The failure of the Borough Council of the Borough to impose any curfew by resolution in any given year shall not affect the enforcement of the curfew as set forth in paragraph a. above, during such given year.

(Ord. #631, S 1)

3-3 STORAGE OF INOPERABLE VEHICLES.

3-3.1 Prohibited; Exceptions.

a. No person shall hereafter store or permit to be stored upon any lands within the Borough any inoperable vehicle, unless the inoperable vehicle is stored in a garage which entirely encloses the vehicle so that it is not visible to the public.

b. There shall be further exempt from the provisions of this section the storing of any historic motor vehicle. An historic motor vehicle shall mean any motor vehicle which is at least twenty-five (25) years old and which is owned as a collector's item and used principally for exhibition and educational purposes by the owner. It shall not be necessary, however, that such historic motor vehicle actually be registered as such, in accordance with the State statutes governing registration of historic motor vehicles.

c. Notwithstanding the above, no more than one (1) inoperative vehicle shall be permitted to be stored upon any residential lands within the Borough for more than fifteen (15) calendar days. An inoperable vehicle, for the purposes of this subsection, is defined as a motor vehicle which is inoperative as a result of a defect or deficiency in the structure or mechanics of the vehicle such as: flat tires, missing parts to the vehicle, stored on jacks, etc. As defined herein, "inoperable vehicle" is not intended to include a vehicle which is inoperative only because the license plates, registration or insurance coverage has been removed from the vehicle.

(Ord. #368, S 7-1; Ord. #551, S 7-1; Ord. #788, S 1; Ord. #807, S 1; Ord. #92-56, S 1)

3-3.2 Interpretation. A motor vehicle which is not capable of being used or operated due to a mechanical malfunction or failure to have a valid current registration from the New Jersey Division of Motor Vehicles shall be deemed to be an inoperable vehicle. (Ord. #368, S 7-2; Ord. #807, S 2)

3-3.3 Reserved.

*Editor's Note: Former subsection 3-3.3, Definitions, previously codified herein and containing portions of Ordinance Nos. 368, 788 and 807 was repealed in its entirety by Ordinance No. 92-56.
3-3.4 Violations and Penalties; Complaints.

a. Any person violating or permitting the violation of any of the provisions of this Section shall, upon conviction, be subject to a penalty as established in Chapter I, Section 1-5.

b. All complaints shall be filed with the Zoning and Enforcement Officer, in accordance with Section 2-15 of this Code.

(Ord. #368, S 7-5; Ord. #496, S 7-5)

3-4 DISCHARGE OF FIREARMS.

3-4.1 Preamble. The Borough is neither a rural nor expanding community and is a fully developed Borough consisting primarily of residential and small business uses. The Borough Council has determined that the firing or discharge of any firearm within or into the territorial limits of the Borough would be injurious to the health, safety and welfare of the citizens of the Borough and would be likely to result in substantial loss of life or property. (Ord. #630)

3-4.2 Definitions.

Discharge shall mean the act of freeing, firing, ejecting, shooting or in any other manner emitting any solid projectible ball, slug, pellet, missile or bullet or any gas, vapor or other noxious thing by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

Explosive, Machine Gun, Handgun, Rifle, Shotgun, Sawed-Off Shotgun shall mean the definitions as set forth and contained in N.J.S.A. 2C:39-1.

Firearm shall mean any hand gun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectible ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths (3/8") of an inch in diameter, with sufficient force to injure a person. Firearm shall also include any bow and arrow or crossbow capable of lethal use or of inflicting serious bodily injury as defined in Title 2C of the New Jersey Statutes.

(Ord. #630, S 42-1; Ord. #94-27, S 1)

3-4.3 Discharge of Firearms Prohibited. No person shall discharge any firearm anywhere within the territorial jurisdiction of the Borough, regardless of whether such discharge is within or without the confines of any building, vehicle or enclosure and regardless of whether such discharge actually results in any damage or injury to any person or property. No person shall discharge any firearm into or through the territorial limits of the Borough or any part thereof, from any point beyond the territorial limits of the Borough. (Ord. #630, S 42-4)
3-4.4 Presumptions.

a. When a firearm is found to have been discharged in violation of this Section, it shall be presumed that the person in possession of such firearm at the time that the same shall first come within the control or custody of any law enforcement agency or any employee, officer, agent or representative of any law enforcement agency, was the person to have discharged such firearm in violation of this Section.

b. When a firearm found to have been discharged in violation of this Section is discovered in any dwelling, business or other structure, such firearm shall be presumed to be in the possession of the occupant thereof if there is but one. If there is more than one occupant in such dwelling, business or other structure, such firearm shall be presumed to be in the possession of all, except under the following circumstances:

1. When it is found upon the person of one of the occupants, it shall be presumed to be in the possession of that occupant alone;

2. When the firearm is found out of view in any closet, case, desk, trunk, or other item of furniture, or any other enclosed depository, it shall be presumed to be in the possession of the occupant or occupants who own or have authority to occupy such dwelling, business or other structure.

c. When a firearm is discovered or found in a vehicle, such firearm shall be presumed to be in the possession of the occupant thereof if there is but one. If there is more than one occupant in such vehicle, such firearm shall be presumed to be in the possession of all, except under the following circumstances:

1. When it is found upon the person of one of the occupants, it shall be presumed to be in the possession of that occupant alone;

2. When the vehicle is not a stolen one and the firearm is found out of view in a glove compartment, trunk or other enclosed customary depository, it shall be presumed to be in the possession of the occupant or occupants who own or have authority to operate the vehicle; and

3. When the vehicle is a taxicab, and firearm is found in the passenger's portion of the vehicle, it shall be presumed to be in the possession of all the passengers, if there are any, and if not, in the possession of the driver.

(Ord. #630, S 42-3)

3-4.5 Exceptions. Nothing in this Section shall apply to the discharge of any firearm by any individual as set forth in N.J.S.A. 2C:39-6A, or C, provided that such discharge is necessary and in furtherance of the performance of the official duties of such person; or to any other person who discharges any firearm in a lawful attempt to prevent the perpetration of any crime or in the lawful attempt to apprehend the perpetrator of any crime. Additionally, the provisions herein applying to bow and arrow and cross-bows shall not apply if the use is under the control or supervision of a Police or Board of Education sponsored event or Board of Education curriculum. (Ord. #630, S 42-4; Ord. #94-27, S 2)

3-5 GAMES OF CHANCE ON SUNDAY.
3-5.1 Conduct on Sundays Permitted. Pursuant to the rules of the Legalized Games of Chance Control Commission of the State of New Jersey, the conduct of such games on Sunday is hereby specifically authorized. (Ord. #426, S 48-1)

3-6 CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC OR QUASI-PUBLIC PLACES PROHIBITED.

3-6.1 Consumption on Unlicensed Premises Unlawful. No person shall consume any alcoholic beverage in or about any public or quasi-public place or upon any private property to which the public is normally invited except such premises to which a plenary retail consumption liquor license, club license or temporary liquor license shall apply. (Ord. #634, S 1)

3-7 POINT PLEASANT CANAL REGULATIONS.1

3-7.1 Swimming or Bathing Prohibited. There shall be no swimming or public bathing within the confines of the United States right-of-way lines located on the east and west sides of the Point Pleasant Canal, and also all that area in the Borough of Point Pleasant described as follows:

a. Beginning at a point located on the west side of the canal at pile number two hundred (200) located on the established bulkhead, and running thence north thirty-two (32°) degrees west twenty-five (25') feet into the Manasquan River.

b. Also beginning at a point on the east side of the canal at pile number two hundred twenty (220) located in the established bulkhead, and running thence north one (1°) degree thirty seconds (30") west twenty-five (25') feet.

(Ord. #368, S 58-1)

3-7.2 Discarding of Trash or Refuse.2 No person shall discard debris, bottles, bait, refuse, papers, cardboard, tin cans or trash of any nature, kind or description into or upon any of the areas designated in subsection 3-7.1 nor shall any of the foregoing items be discarded or placed upon any of the lands adjacent or contiguous to the areas described more particularly in subsection 3-7.1 hereof. (Ord. #368, S 58-2)

3-7.3 Posting of Signs. There shall be posted appropriate signs near the areas described in subsection 3-7.1 hereof, although it shall not be a prerequisite to prosecution and conviction of any offenders that the sign or signs have not been posted or removed, damaged or destroyed. (Ord. #368, S 58-3)

3-8 RULES AND REGULATIONS FOR CURTIS AVENUE BOAT RAMP FACILITY.

1Editor’s Note: To change the name of the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal. Enacted by the Senate and House of Representatives of the United States of America in Congress assembled. Public Law 88-648, 88th Congress, S. 2654, October 13, 1964.

2Editor’s Note: See also Chapter XI, Streets, Sidewalks and Sanitation for additional regulations regarding trash or refuse.
3-8.1 **Location of Facility.** The “Curtis Avenue Boat Ramp” is defined as that public facility in the Borough bordered by Curtis Avenue curbline to the east, Curtis Avenue curbline to the west, River Road to the south, and the waterway to the north. (Ord. #842; Ord. #846)

3-8.2 **General Regulations.** The following conduct shall be prohibited within the limits of the Curtis Avenue Boat Ramp Facility:

a. Cutting, injuring, defacing, removing, disturbing, marking or writing upon any tree, shrub, fence, bench or other structure, apparatus or property, and picking, cutting or removing any shrub, bush, plant or flower.

b. Take, permit, or allow any animal to be or go upon the ramp, beach or in the water.

c. Sales or displays of, or offers to sell, goods or wares, except by special permission of the Borough Council.

d. Distribution or posting of written or printed material, except this subsection or summaries hereof, official notices of the Recreation Department, or by special permission of the Borough Council.

e. Holding, conducting, or addressing public assemblages or debates, except such as are arranged or sponsored by the Recreation Department, without having first obtained a permit therefor.

f. Conducting exhibitions or entertainment, except such as are organized or sponsored by the Recreation Department, without having first obtained permission from the Borough Council.

g. The facility shall be open to permit holders only from 7:00 a.m. until 8:00 p.m. daily. From October 1 through April 30 however the hours of operation shall be from 7:00 a.m. to one-half (1/2) hour before sunset, daily.

h. Uttering of abusive or profane language.

i. Fighting, or other conduct disturbing to others or disruptive of the public peace.

j. Betting, gambling, gaming or the playing of any sport.

k. Possession of guns, slingshots or other dangerous weapons.

l. The driving or parking of motor vehicles, except the paring of duly licensed or registered motor vehicles in designated parking areas while said facility is open to the public.

m. The discarding of debris, bottles, bait, refuse, papers, cardboard, tin cans or trash of any nature, kind or description on to the Facility or upon any of the lands adjacent or contiguous to the Facility.

n. Making or maintaining fires.

o. Possession of open alcoholic beverages or consumption thereof.

p. 1. The loading and unloading of boats in excess of eighteen (18’) feet in length and/or gross weight of two thousand (2,000) pounds. For purposes herein, “boat” is defined as a vessel for transport by water, constructed to provide buoyancy and shaped to give stability and permit propulsion, including but not limited to personal water craft.

2. The launching and landing of personal watercraft at all times. For purposes herein:
(a) “Personal water craft” means a power vessel which:

1. Is designed to be operated by a person or persons, sitting, standing, or kneeling;
2. Uses an internal combustion engine to power a water jet pump which propels the vessel through the water; and
3. Uses an internal combustion engine that does not have the ability to reverse the pump’s thrust so as to allow the vessel to be operated in reverse or have the ability to disengage the pump so as to prevent the vessel from making headway.

(b) “Launch” means to cause to slide and go into the water.

(c) “Land” means to come and set ashore from the water.

q. Disrobe, dress or undress on the beach, parking lot or in automobiles.
r. Swimming, fishing or picnicking.
s. The unloading or loading of all boats shall be limited to a fifteen (15) minute period. For purposes herein, “loading and unloading” is defined as the removal or return of a boat from a boat trailer or motor vehicle. It is the express intent of these regulations to provide a safe operating facility for all parties. Therefore, due to the vehicle traffic and boat traffic in and about the boat ramp facility, it is the express purpose herein to limit use of the facility for loading and unloading of boats only. Use of this facility for any other purpose shall constitute violation of these regulations.
t. Commercial use.
u. Refueling of all boats.
v. All boats must contain a valid New Jersey registration sticker, if required by State Law.
w. No boat shall be left unattended for more than a ten (10) minute period.

(Ord. #842; Ord. #846; Ord. #875, SS 1, 2; Ord. #91-29, S 1; Ord. #91-33)

3-8.3 Use of Facility. Any resident or taxpayer of the Borough of Point Pleasant shall be entitled to use the facilities during scheduled times of operation.

a. Permit Required.

1. No person shall be entitled to use the Boat Ramp or be on or about the Facility without first having been issued a permit to do so. Such permit shall be evidenced by a receipt showing that the person or persons using the Facility have paid the appropriate fees for such use delineated in this section.

2. Proof of status as a taxpayer shall be determined by the office of the Borough Tax Collector or Borough Tax Assessor. A taxpayer is a person who owns a real property in the Borough. Residency is defined as a person who lives in the Borough for more than one hundred eighty (180) calendar days. Residency shall be determined based on that proof satisfactory to the Borough.

3. Applicant shall submit a copy of current boat registration, if required by State Law, with completion and submission of application as prescribed by the Borough.

4. Registration decals. Two (2) shall be issued with each permit and shall be placed by the owner of the vessel in two (2) locations, one (1) on the vessel transom and one (1) on the trailer.
5. Each applicant shall receive a copy of the Schedule of General Regulations and fines thereto. Applicants must sign a receipted statement that he/she has read the Schedule of Regulations before being issued a permit.

b. *Time Limit for Validity of Permit.*

1. Permits as issued under paragraph a. subsection 3-8.3, when issued, shall entitle the holder to use the Boat Ramp Facilities and to be on or about the Facility during the calendar year (January 1 to December 31) for which the permit is issued.

2. Permits shall be renewed in the same manner set forth herein as for issuance of the original permit.

c. *Permit Fees.*

1. All residents or taxpayers of the Borough of Point Pleasant shall be issued a permit upon the payment of a fee of twenty ($20.00) dollars.

2. All residents or taxpayers of the Borough of Point Pleasant sixty-five (65) years of age and over, upon proof of age, shall be issued a permit upon payment of fifteen ($15.00) dollars.

d. **Revocation of Permit.** A permit issued shall authorize use of the Facility only insofar as it may be performed in strict accordance with the rules and regulations for its use set forth herein or as prescribed by the Borough Council. Any violation by the holder of the permit of any rules and regulations shall constitute grounds for revocation by the agents or representatives of the Borough Council whose action herein shall be final. In the event of the revocation of any permit issued hereunder, all moneys paid for on an account thereof shall be retained by the Borough, and the holder of the permit shall be jointly and severally liable to the Borough for all damages and losses suffered by it in excess of the moneys so forfeited and retained; but neither such forfeiture and retention by the Borough of the whole or any part of such moneys, nor the recovery or collection thereof of such damages, or both, shall in any manner relieve such person or persons from liability to punishment for any violation of any provision of this ordinance or any other Borough ordinance, rule or regulation.

e. **Terms and Conditions of Permit Issuance.** The provisions of this subsection and all rules and regulations enacted and promulgated by the Borough Council as herein provided are hereby declared to be considered as part of the terms and conditions of each permit issued hereunder.

f. **Number of Permits Issued Each Year.** It is acknowledged by the Borough Council that no public parking other than normal street parking exists for the servicing of cars and boat trailers for those persons who utilize the Curtis Avenue Boat Ramp Facility. Therefore in order to not unduly impact upon the residential neighborhood surrounding the boat ramp facility, and upon advice of the Borough Engineer and after giving due consideration to not only the residents living around the Curtis Avenue Boat Ramp Facility, but also to the boaters who wish to utilize the Facility, the Borough Council will limit the number of permits issued to residents and/or taxpayers of the Borough who have a current boat registration in his/her name, to one hundred (100) permits each year, first come, first serve. (Ord. #842; Ord. #846; Ord. #91-29, S 1; Ord. #91-33; Ord. #92-50, S 1)
3-8.4 Maintenance by the Borough; The Right to Protect and Construct.
   a. The Facility shall be maintained by the Borough.
   b. The Borough shall have the right to protect the Facility from erosion, encroachment and damage; and
   c. Construct and maintain public walks and approaches thereto.
      (Ord. #842; Ord. #91-29, S 1; Ord. #91-33)

3-8.5 Policing. The Borough shall have the right to police the place of resort and to hire, engage and pay such police officers and facilities monitors as shall be necessary for the proper policing of the Facility. This subsection shall not supersede any federal, state, county or other Borough law or regulation regarding use of boats or vessels. (Ord. #842; Ord. #846; Ord. #91-29, S 1; Ord. #91-33)

3-8.6 Posting of Signs. There shall be posted appropriate signs near the entrance of the Facility, at the Boat Ramp and parking area designating proper parking procedures, although it shall not be a prerequisite to prosecution and conviction of any offenders that the sign or signs have not been posted or removed, damaged or destroyed. (Ord. #842; Ord. #91-29, S 1; Ord. #91-33)

3-8.7 Violations and Penalties. Any person who shall violate provisions or subsections of this Section shall be fined in accordance with the following schedule pertaining to the applicable subsection of this Section:
   a. Violations of subsection 3-8.2 (b, c, d, e and f) $10.00;
   b. Violations of subsection 3-8.2 (a, h, i, j, l, q, r, s, v) $15.00;
   c. Violations of subsection 3-8.2 (g, m, o) $25.00;
   d. Violations of subsection 3-8.2 (k, n, p, t, u) $100.00.

All violations of the Section shall be enforced by the Municipal Courts. (Ord. #842; Ord. #91-29, S 1; Ord. #91-33)

3-9 PEACE AND GOOD ORDER.

3-9.1 Loitering.
   a. Definitions. For the purposes of this Section, the following terms shall have the meanings indicated:
      
      Loitering shall mean remaining idle in essentially one (1) location and shall include the concepts of spending time idly, loafing or walking about aimlessly or consuming an alcoholic beverage in a public place, and shall also include the colloquial expression "hanging around."

      Public Place shall mean any place to which the public has access and shall include any street, highway, road, alley or sidewalk, or a hallway, lobby, roof, basement, or office of a public building. It shall also include the front or the vicinity of any such public place or of any store, shop, restaurant, tavern or other place of business and public grounds, areas, parks, lots or other vacant private
property not owned by or under the control of the person charged with violating this subsection.

b. No person shall loiter in a public place in such manner as to:
   1. Create or cause to be created a danger of breach of the peace.
   2. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
   3. Obstruct the free passage of pedestrians or vehicles.
   4. Obstruct, molest or interfere with any person lawfully in any public place as defined in paragraph a. herein. This paragraph shall include the making of unsolicited remarks of any offensive, disgusting or insulting nature of which are calculated to annoy or disturb the person to whom, or in whose hearing, they are made.

c. Discretion of Police Officer. Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in a public place is causing or is likely to cause any of the conditions enumerated in paragraph b., he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this Section.

d. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by a fine not exceeding one thousand ($1,000.00) dollars or by imprisonment not exceeding ninety (90) days, or both, in the discretion of the court. Juvenile offenders subject to the provisions of N.J.R.S. 2A:4-1 et seq. shall be dealt with in accordance with the provisions of that enactment.

(Ord. #90-16, S 1)

3-9.2 General Prohibitions.

a. After the effective date of this subsection, each of the following acts and things are hereby forbidden in the Borough:
   1. No person shall go about from door to door, or place himself on any street, highway or road to beg, crave charity or collect alms.
   2. No person shall wander abroad and lodge in any tavern, inn, house of entertainment, barn or other building without the permission of the owner or other person having the authority to grant such permission of said property so to do.
   3. No person shall lodge in open air on any public property, street, highway or field without permission of the owner or other person having the authority to grant such permission of said property so to do.
   4. No person shall disturb the exercises of a public school or give annoyance to the children attending the public school or any teacher therein.
   5. No person shall give a false alarm of fire.
   6. No person shall dump any garbage, refuse, paper, glass or cans upon any public highway or any private property.
   7. No person shall place or throw any glass, bottle, can or other sharp and dangerous substance upon any public highway, and no person shall urinate in any public place.
   8. No person shall act as or be a tramp or beggar in this Borough.
9. No person shall possess or operate a punch board or other gambling paraphernalia.

10. Alcoholic beverages.
   (a) No person shall consume an alcoholic beverage within the Borough or have in his or her possession any open alcoholic beverage container with unconsumed beverage while:
      (1) In or on a public street, lane, roadway, avenue, sidewalk, public parking place, park, playground, recreational area, school building or grounds or any other public or quasi-public place or any public conveyance.
      (2) In a private motor vehicle or truck, while the same is in motion or parked on any public street, lane, parking area, parking lot or other public or quasi-public place.
      (3) Upon any private property not his or her own without the permission of the owner or other person having the authority to grant such permission.
   (b) Nothing contained in this provision, however, shall be construed to apply to the consumption of alcoholic beverages within the licensed premises of an establishment having a plenary retail consumption liquor license or at any event duly authorized or sanctioned by the Borough for which all necessary permits have been acquired.
   (c) No person shall offer or serve an alcoholic beverage to a person under legal age in any public or private place within the Borough of Point Pleasant. No person who has ownership or control of any premises, whether public or private, or supervision of any event, shall permit, suffer or allow the consumption of an alcoholic beverage by a person under legal age in or upon any such premises or at any such event within the Borough of Point Pleasant. This paragraph shall not apply to any person who is related to the person under legal age by blood, marriage or adoption and who has no more remote relationship to such person under legal age than first cousin.

11. No person shall be allowed to sleep during the hours from dusk to dawn in a motor vehicle, whether the motor vehicle is on public property. In addition, no person shall be allowed to utilize a motor vehicle or motor home as a residence, sleeping quarters or living quarters.

12. No person under the age of twenty-one (21) years shall be allowed to possess an opened bottle of alcoholic beverages within the boundaries of the Borough of Point Pleasant Borough, while on public property.

   Every person convicted of a violation of a provision of this subsection, or any supplement thereto, shall be liable to a penalty of not more than one thousand ($1,000.00) dollars or imprisonment for a term not exceeding ninety (90) days, or both. (Ord #90-16, S 1; Ord. #1996-15, SS 1, 2)
3-10 REGISTRATION OF CERTAIN CRIMINAL OFFENDERS.

3-10.1 Definitions. As used in this section the following definitions shall apply:

Convicted Offender shall mean any person who has been convicted of a violation of the following statutes: N.J.S.A. 2C:14-2, N.J.S.A. 2C:14-3 and N.J.S.A. 2C:14-4, where the victim of said crime was a person under the age of eighteen (18).

Permanent Resident shall mean any person who resides within the Borough of Point Pleasant for more than thirty (30) days in any one year.

(Ord. #1994-22, S 1)

3-10.2 Registration Required.

a. Any convicted offender who becomes a permanent resident of the Borough of Point Pleasant shall, upon obtaining permanent residence status as defined in this section, register at the Point Pleasant Borough Police Department. At the time of registration the following information shall be supplied by the convicted offender:

1. Name and social security number;
2. Street address;
3. Driver's license number;
4. Make, model and license plate number of any motor vehicle owned or used;
5. Nature of each and every offense committed;
6. Date of each offense and date of each conviction;
7. Date of release from custody;
8. Prosecuting agency for each offense;
9. Age of victim for each offense;

b. Obligation to provide that information contained in paragraph a. above shall be a continuing obligation and any change in any of the information so supplied shall be immediately reported to the Point Pleasant Police Department.

(Ord. #1994-22, S 2)

3-10.3 Maintenance of Registry. The Chief of Police shall maintain a registry of convicted offenders containing the information required in subsection 3-10.2 of this section in alphabetical order by street name, which registry shall be available at all times for inspection by any person. A copy of the registry shall also be forwarded by the Chief of Police to the Point Pleasant Board of Education.

(Ord. #1994-22, S 3)

3-10.4 Penalty. Unless otherwise provided by law, statute or ordinance, any person charged with violating any of the provisions of this section shall, upon conviction thereof, pay a fine not less than one hundred ($100.00) dollars nor more than one thousand ($1,000.00) dollars and be subject to imprisonment for any term not exceeding ninety (90) days, or both.

(Ord. #1994-22, S 4)
3-11 DRUG-FREE SCHOOL ZONES.

3-11.1 Map Adopted. In accordance with and pursuant to the authority of N.J.S.A. 2C:35-7, the Drug-Free School Zone Map produced by John E. Walsh, P.E. under date of May, 1990 and revised as of December 1995 as Point Pleasant Municipal Engineer is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or School Board and of the areas on or within one thousand (1,000') feet of such school property. (Ord. #1996-08, S 1)

3-11.2 Official Finding and Record. The Drug-Free School Zone Map approved and adopted pursuant to subsection 3-11.1 of this Section shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (1,000') feet of property owned by or leased to any elementary or secondary school or School Board which is used for school purposes until such time, if any, that this Section shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug-Free School Zones. (Ord. #1996-08, S 2)

3-11.3 Notification of Change in Boundaries. The School Board or the Chief Administrative Officer in the case of any private or parochial school is hereby directed and shall have the continued obligation to promptly notify the Borough Engineer and the Borough Attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or School Board and which is used for school purposes. (Ord. #1996-08, S 3)

3-11.4 Map on File. The Clerk of the Borough of Point Pleasant is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to subsection 3-11.1 of this Section and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such copy along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and of this Section shall be provided without cost to the County Clerk and to the Office of the Ocean County Prosecutor. (Ord. #1996-08, S 4)

3-11.5 Additional Matters. The following additional matters are hereby determined, declared, recited and stated:

a. It is understood that the map approved and adopted pursuant to subsection 3-11.1 of this Section was prepared and is intended to be used as evidence in the prosecutions arising under the criminal laws of this State and pursuant to State law, such map shall constitute prima facie evidence of the following:
   1. The location of elementary and secondary schools within the municipality.
   2. The boundaries of the real property which is owned by or leased to such schools or a School Board.
   3. That such school property is and continues to be used for school purposes.
4. The location and boundaries of areas which are on or within one thousand (1,000') feet of such school property.

b. Except as is otherwise expressly noted on the fact of the approved and adopted map, all property depicted on the map approved and adopted herein as school property was owned by or leased to a school or School Board and was being used for school purposes as of July 9, 1987, that being the effective date of N.J.S.A. 2C:35-7.

c. Pursuant to the provisions of P.L. 1988, c. 44, a Prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to subsection 3-11.1 of this Section. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or School Board, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or School Board or that such property is not used for school purposes.

d. All of the requirements set forth in P.L. 1988, c. 44 concerning the preparation, approval and adoption of a Drug-Free School Zone Map have been complied with. (Ord. #1996-08, S 5)

3-12 DRUG FREE PUBLIC FACILITY ZONES.

3-12.1 Preamble. The New Jersey Legislature has adopted and the Honorable Christine Todd Whitman, Governor, has signed into law revisions to the New Jersey Drug Enforcement Statute, N.J.S.A. 2C:35-1 et seq.

The aforementioned statutory revisions, in part, make it a second degree crime to distribute, dispense and/or possess with intent to distribute a controlled dangerous substance or controlled substance analog while in, on or within five hundred (500') feet of real property comprising a public housing facility, a public park, a public building and a third degree crime to distribute, dispense, and/or possess with the intent to distribute a controlled dangerous substance or controlled substance analog while in, on or within one thousand (1000') feet of real property comprising of public schools/grounds. (Ord. #1999-26, SS 1, 2)

3-12.2 Map Adopted. In accordance with and pursuant to the authority of N.J.S.A. 2C:35-7, the Drug-Free Public Facility Zone Map produced by John E. Walsh, P.E., under date of July 22, 1999 as the Point Pleasant Municipal Engineer is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for public facility purposes, herein defined as public housing facilities, public parks and public buildings, all of which are defined in N.J.S.A. 2C:35-7, and of the areas on or within five hundred (500') feet of the aforementioned facilities, as well as areas on or within one thousand (1,000') feet of the public schools/grounds. (Ord. #1999-26, S 3)
3-12.3 **Official Finding and Record.** The Drug-Free Public Facility Zone Map approved and adopted pursuant to subsection 3-12.2 of this Section shall continue to constitute an official finding and record as to the location and boundaries of areas on or within five hundred (500') feet of public facilities as defined herein and within one thousand (1000') feet of any and all public schools/grounds and if modified this Section shall be amended to reflect any additions or deletions with respect to the location and boundaries of public facility properties and Drug-Free Public Facility Zones. (Ord. #1999-26, S 4)

3-12.4 **Notification of Change in Boundaries.** The Borough Clerk of the Borough of Point Pleasant is hereby directed and shall have the continued obligation to promptly notify the Borough Engineer and the Borough Attorney of any changes or contemplated changes in the location and boundaries of any property used for public facility purposes, as defined herein. (Ord. #1999-26, S 5)

3-12.5 **Map on File.** The Clerk of the Borough of Point Pleasant is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to subsection 3-12.2 of this Section and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such copy along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and of this Section shall be provided without cost to the County Clerk and to the Office of the Ocean County Prosecutor. (Ord. #1999-26, S 6)

3-12.6 **Additional Matters.** The following additional matters are hereby determined, declared, recited and stated:

a. It is understood that the map approved and adopted pursuant to subsection 3-12.2 of this Section was prepared for and is intended to be used as evidence in the prosecutions arising under the criminal laws of this State and pursuant to State law, such map shall constitute prima facie evidence of the following:

1. The location of public housing facilities, public parks, public buildings, and school buildings/grounds all as defined in N.J.S.A. 2C:35-7.
2. The boundaries of the real property which is referenced in subsection 3-12.6a,1 herein.
3. That such property is and continues to be used for public purposes.
4. The location and boundaries of areas which are on or within five hundred (500') feet of such property used for public facility purposes, as defined herein and on or within one thousand (1,000') feet of such property used for school buildings/grounds as defined herein.

b. Except as is otherwise expressly noted on the face of the approved and adopted map, all property depicted on the map approved and adopted herein as property used for public facilities as defined herein owned by, controlled and/or leased to or by the Borough, and being used for public purposes as of the effective date of the adoption of this Section.
c. Pursuant to the provisions of N.J.S.A. 2C:35-7, a Prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in the statute, including use of a map or diagram other than the one approved and adopted pursuant to subsection 3-12.2 of this Section. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for public facility purposes and which is owned by or leased to the Borough, whether the absence of such depiction is the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to the Borough or that such property is not used for public facilities purposes.

d. All of the requirements set forth in N.J.S.A. 2C:35-7 concerning the preparation, approval and adoption of a Drug-Free Public Facility Zone Map have been complied with.  
(Ord. #1999-26, S 7)

3-13 SMOKING AND USE OF TOBACCO PRODUCTS ON SCHOOL GROUNDS PROHIBITED.

3-13.1 Definitions. 

Smoking shall mean the use of lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco and/or other similar products. (Ord. #1999-19, S 1)

3-13.2 Making and Enforcement of Regulations. Any school board having a public school building or public school property located within the Borough of Point Pleasant shall make and enforce regulations to prohibit the use of tobacco products to prohibit smoking and the use of tobacco products anywhere in its building and on its grounds except as part of a classroom instruction or theatrical production. The regulations shall also provide for additional specified limitations regarding smoking on the school grounds as designated by the respective schools. In accordance with the aforementioned regulations smoking and use of tobacco products as defined herein is prohibited on school board grounds and in school board buildings. (Ord. #1999-19, S 1)

3-13.3 Complaints for Violations of this Chapter. The Superintendent of the school district, or persons designated by him, or any other school principal, or persons designated by such school principal, or any other person having control of school property, or other public servant engaged in his official duties, or any other citizen, may sign a complaint against any individual for a violation of the provisions of this Section. (Ord. #1999-19, S 1)

3-13.4 Posting of Signs. Every public entrance onto school property shall be posted with a sign legibly lettered notifying the public that the use of tobacco products and smoking is forbidden on the property or in the school building and shall further state that violations are subject to fine and punishment by municipal ordinance. There shall be a minimum of four (4) signs posted at each school property under the ownership or control of the Point Pleasant Board of Education. The Point Pleasant Board of Education shall assume all responsibility for maintaining and if necessary replacing the aforementioned sign.  
(Ord. #1999-19, S 1)
3-13.5 Penalties. Any person who violates this Section shall appear before the Borough of Point Pleasant Municipal Court and shall be subject to punishment as follows; upon signing of the complaint as provided here and against the person under the age of eighteen (18), the Municipal Court shall subpoena the parents and/or guardians of the person charged who will appear at the Municipal Court hearing:

a. First Offense. Up to fifteen (15) hours of community service at a place designated by the Municipal Court and/or a fine of up to twenty-five ($25.00) dollars;

b. Second Offense. Up to thirty (30) hours of community service in a place designated by the Municipal Court and/or a fine up to one hundred ($100.00) dollars, or both;

c. Third and Subsequent Offense. Up to fifty (50) hours of community service in a place designated by the Municipal Court and/or a fine up to two hundred fifty ($250.00) dollars.

Community service may include participation in a non-smoking educational or support program approved by the Municipal Court.

(Ord. #1999-19, § 1)

3-14 USE OF SKATEBOARDS, ROLLER-SKATES AND IN-LINE SKATES ON SCHOOL BOARD GROUNDS AND PROPERTY.

a. The terms "skateboard", "roller-skates" and "in-line skates" shall be defined in accordance with their commonly accepted usage denoting objects used for recreational purposes, but shall not be deemed to include bicycles.

b. The use of skateboards, roller-skates or in-line skates is hereby prohibited in any public school building located within the Borough of Point Pleasant, unless such use is in an authorized physical instruction class, theatrical production or an activity specifically sanctioned by the Board of Education, the Superintendent of Schools or Assistant Superintendent or building principal.

c. The use of skateboards, roller-skates or in-line skates is also prohibited on any raised surfaces such as curbs, retaining walls, buildings and fencing on any public school property located in the Borough of Point Pleasant, unless used in such manner in an authorized physical instruction class, theatrical production or any activity specifically sanctioned by the Board of Education, Superintendent of Schools or Assistant Superintendent of Schools or building principal.

d. Skateboard, roller-skates or in-line skates shall not be used in any way to damage or deface school property. No person shall create, temporarily or otherwise, any ramp, track or other device or material to be used for skateboarding, roller-skating or in-line skating upon school property.

e. No person shall permit or allow any juvenile or minor under the care and custody of such person to use skateboards, roller-skates or in-line skates upon any public school property or in any manner prohibited in this Section.

f. Every public entrance onto school property shall be posted with a sign legibly lettered notifying the public that the use of skateboards, roller-
skates or in-line skates is regulated on public school property, and shall further state that violations are subject to fine and punishment by municipal ordinance. There shall be a minimum of four (4) signs posted at each school property under the ownership or control of the Point Pleasant Board of Education.

g. The Superintendent of the school district, or persons designated by him, or any school principal, or persons designated by such school principal, or any other person having control of school property, or other public servant engaged in his official duties, or any other citizen, may sign a complaint against any individual for a violation of the provisions of this Section.

h. Any person who violates this Section shall be required to appear before the Point Pleasant Borough Municipal Court and shall be subject to punishment as follows:

1. First Offense. A minimum fine of fifty ($50.00) dollars or a period of community service up to a maximum of ten (10) hours, or both;

2. Second Offense. A minimum fine of seventy-five ($75.00) dollars or a period of community service up to a maximum of fifteen (15) hours, or both;

3. Third and Subsequent Offenses. A minimum fine of one hundred fifty ($150.00) dollars or a period of community service up to a maximum of thirty (30) hours, or both.

i. Upon the signing of the complaint as provided herein against a person under the age of eighteen (18), the Municipal Court shall subpoena the parent(s) and/or guardian(s) of the person charged to appear at the Municipal Court hearing.

(Ord. #1999-20, S 1)

3-15 DRUNK DRIVING FREE SCHOOL ZONES.

3-15.1 Designation of School Crossings. In accordance with and pursuant to the authority of P.L. 1999 Ch. 185 the following is a list of school crossings which have been so designated by the Borough of Point Pleasant:

a. Intersections.

1. Bridge Avenue and Dorsett Dock Road
2. Bridge Avenue and River Avenue
3. Bridge Avenue and Rue Rivoli
4. Route 88 and Rue Avenue
5. Route 88 and Beaverdam Road
6. Route 88 and River Avenue
7. Route 88 and Arnold Avenue
8. Beaverdam Road and Panther Path
9. Dorsett Dock Road and Old Drift Road
10. Beaverdam Road and Riviera Parkway
11. Riviera Parkway and Rue Rivoli
12. Riviera Parkway and Bayberry Lane
13. Rue Rivoli from Beach Boulevard to Barnegat Boulevard
14. Catherine Street at William Street

b. **Point Pleasant Board of Education Property.**
1. Point Pleasant High School
2. Point Pleasant Memorial School
3. Ocean Road Grammar School
4. Nellie Bennett Grammar School
5. 1209 Beaverdam Road
       (Ord. #2000-03, S 1)

3-15.2 Adoption of Map. The Drunk Driving Free School Zones Map produced by the Borough Engineer is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school on school land and of the areas on or within one thousand (1,000') feet of such school property. (Ord. #2000-03, S 2)

3-15.3 Map and List to Constitute Official Findings. The Drunk Driving Free School Zones Map approved and adopted pursuant to this Chapter shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (1,000') feet of property owned by or leased to any elementary or secondary school or School Board which is used for school purposes until such time, if any, that this Chapter shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drunk Driving Free School Zones. The list of school crossings designated above by the Borough Council shall continue to constitute an official finding and record of the location of school crossing zones within the Borough of Point Pleasant until such time, if any, that this Chapter shall be amended to reflect any additions or deletions with respect to school crossing zones in the Borough of Point Pleasant. (Ord. #2000-03, S 3)

3-15.4 Changes in Locations or Boundaries. The School Board, or the Chief Administrative Officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the office of the Borough Engineer and the Borough Attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or School Board and which is used for school purposes or of any additions or deletions to school crossings. (Ord. #2000-03, S 4)

3-15.5 Original Map and List to Be on File: Copies. The Borough Clerk is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to this Chapter and the list of school crossings and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and list and of this Chapter shall be provided without cost to the Ocean County Clerk and to the office of the Ocean County Prosecutor. (Ord. #2000-03, S 5)
3-15.6 **Map and List as Evidence.** The following additional matters are hereby determined, declared, recited and stated:

It is understood that the map and list approved and adopted pursuant to this Chapter was prepared and is intended to be used as evidence in prosecutions arising under the criminal and traffic laws of this State and that, pursuant to State law, such map and list shall constitute prima facie evidence of the following:

a. The location of elementary and secondary schools within the municipality.

b. The boundaries of the real property which is owned by or leased to such schools or a school board.

c. That such school property is and continues to be used for school purposes.

d. The location and boundaries of areas which are on or within one thousand (1,000') feet of such school property.

e. The location of all school crossings in the Borough of Point Pleasant.

(Ord. #2000-03, S 6)
CHAPTER IV
GENERAL LICENSING

4-1 BUSINESS LICENSING.

4-1.1 Occupations for Which License Is Required; Exceptions. It shall be unlawful for any person to engage in or carry on within the limits of the Borough the business of operating for hire any hack, omnibus, jitney, taxicab, express wagon or other public conveyance; to engage in or carry on a business as a huckster, hawker, peddler and other itinerant vendor; or to carry on or conduct pool and billiard parlors, traveling shows and circuses, moving-picture shows or theatrical performances, without having first obtained a license from the Borough Clerk so to do and having paid the license fee therefor as hereinafter fixed; provided, however, that this Section shall not apply to farmers peddling or selling produce from their own farms. (Ord. #368, S 57-1)

4-1.2 Issuance. The Borough Clerk is hereby authorized and directed to issue any such licenses upon payment by the applicant of the proper fee therefor as hereafter provided. (Ord. #368, S 57-2)

4-1.3 Term of License; Applicability, Transferability. Every such license shall remain in force and be valid only for the time therein expressed and all such licenses issued within any calendar year shall expire by limitation on December 31 of the year in which issued, and shall apply only to the person to whom granted and shall not be transferable. (Ord. #368, S 57-3)

4-1.4 Exhibition of License. Any person to whom such license is granted, as herein provided, shall be required to exhibit such license whenever called upon to do so. (Ord. #368, S 57-4)

4-1.5 License Fees. The license fees under this Section are hereby fixed as follows:

a. Hacks, omnibuses, jitneys, taxicabs, express wagons and other public conveyances operated for hire, ten ($10.00) dollars per annum.
b. Pool and billiard parlors, ten ($10.00) dollars per annum per table.
c. Traveling shows and circuses, twenty-five ($25.00) dollars for each day.
d. Moving-picture shows and theatrical performances, twenty-five ($25.00) dollars per annum.

No rebate from the amount of such fee hereinbefore fixed shall be allowed for a portion of a year only. (Ord. #368, S 57-5)

4-1.6 Violations and Penalties. Any person violating this Section shall be subject to a penalty as established in Chapter I, Section 1-5. (Ord. #368, S 57-6)

4-1.7 Purpose and Disposition of Fees. The license fees herein mentioned and imposed are for the purpose of revenue, and all moneys received for license
fees or fines under this Section shall be paid forthwith to the Borough Treasurer for the use of the Borough. (Ord. #368, S 57-7)

4-2 HAWKERS, PEDDLERS, CANVASSERS AND SOLICITORS.

4-2.1 Definitions. As used in this Section:

Peddler or Hawker shall mean and include any person, whether a resident of the Borough or not, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise and offering or exposing the same for sale, or making sales and delivering articles to purchases.

Solicitor or Canvasser shall mean and include any person, whether a resident of the Borough or not, who goes from house to house, room place to place or from street to street, soliciting or taking or attempting to take orders for sale of services, goods, wares or merchandise, including magazines, books, periodicals, photographs or personal property of any nature whatsoever, for future delivery, or services to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject for such order, or whether or not he is collecting advance payments on such orders.

4-2.2 License Required. It shall be unlawful for any hawkers, peddlers, canvassers or solicitors, as defined in this Section, to engage in any such business or operations in the Borough without having first obtained a license therefor in compliance with the provisions of this section, and in any event, only in accordance with the terms and provisions of this Section. (Ord. #368, S 53-2)

4-2.3 Exceptions. The terms of this Section shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, and nothing contained herein shall be held to prohibit any sale required by statute or by order of any court. (Ord. #368, S 53-3)

4-2.4 Application; Information Required. Applicants for a license under this Section must file with the Borough Clerk a sworn application in writing, which shall give the following information:

a. Name and physical description of applicant.
b. Complete permanent home and local address of the applicant.
c. A description of the nature of the business and goods or wares to be sold.
d. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
e. The length of time for which the right to do business is desired and the days of the week and hours of the day within which the business will be conducted.
f. The source of supply of the goods or property or services proposed to be sold, where such goods, services or products are located and the method of delivery.
g. Three (3) recent photographs of the applicant, which shall be approximately two by two (2” x 2”) inches, showing the head and shoulders of applicant in a clear and distinguishing manner.
h. Appropriate evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

i. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor.

j. The applicant shall be fingerprinted, if requested by the Chief of Police, who shall determine whether the fingerprints are necessary for proper identification, and which fingerprint records shall be immediately processed for classification and identification.

k. At the time of filing the application, a fee of five ($5.00) dollars shall have been paid the Borough Clerk to cover the cost of investigation of facts stated therein.

l. No license shall be issued until the application shall have been approved by the Police Department, allowing adequate time for investigation of the facts set forth in the application.

m. Applications for partners shall be signed by all partners, with foregoing provisions of this subsection answered in detail as to each partner, and applications of corporations shall have attached thereto individual statements, in accordance with all of the provisions of this subsection relating to each employee, agent or servant who shall engage in any of the functions authorized by this Section, and signed by each such agent, servant or employee, and full compliance herewith by each such individual.

(Ord. #368, S 53-4)

4-2.5 Eleemosynary Causes; Exemption; Requirements.

a. Any person, organization, society or association desiring to solicit or have solicited in the name money, donations of money or property or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization, at any place within the Borough for a charitable, religious, patriotic or philanthropic purpose, shall be exempt from the provisions of subsections 4-2.4 and 4-2.7, provided there is filed a sworn application in writing with the Borough Clerk, which shall give the following information:

1. Name and purpose of the cause for which the permit is sought.
2. Period during which solicitation is to be carried on.
3. Names and addresses of the officers and directors of the organization.
4. Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation, and the amount thereof.
5. Name and address of each agent or representative who will conduct solicitation and the length of time that the agent or representative has been employed or affiliated with such organization, society, associations or corporations.

b. Upon being satisfied that such person, organization, society or association is a religious, charitable, patriotic or philanthropic organization and that the agents or representatives who shall conduct the solicitations are of good moral character and reputation, the Borough Clerk shall issue a permit without charge to such
organization, association, society or corporation to solicit in the Borough. Such organization, association, society or corporation shall furnish all its members, agents or representatives conducting soliciting, credentials in writing stating the name of the organization, name of the agent and purpose of solicitation.
(Ord. #368, S 53-5)

4-2.6 Investigation of Applicants.

a. Each application shall be referred to the Chief of Police or officer in charge of the Police Department, who shall immediately institute such investigation of the applicant’s business and moral character as he deems necessary for the protection of the public good, and shall endorse the application in the manner prescribed in this subsection within a reasonable period of time after it has been filed by the applicant.

b. If, as a result of such investigation, the applicant’s character or business responsibility is found to be unsatisfactory or the product or services are not free from fraud, the Chief of Police shall endorse on such application his disapproval and his reasons for the same and return the application to the Borough Clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.
(Ord. #368, S 53-6)

4-2.7 Fees, Veterans’ Permits, Mercantile Licenses, Special Licenses.

a. Every applicant for a license under this Section shall pay a license fee of twenty-five ($25.00) dollars.

b. Any veteran who holds a special State license issued under the laws of the State of New Jersey shall be exempt from securing a license as provided herein for hawking and peddling, but shall be required to comply with all other subsections of this Section applicable and shall be required to procure from the Borough Clerk a special veteran’s permit, which shall be issued by the Borough Clerk upon proper identification.

c. Any person to whom a valid mercantile license shall have been issued under provision of law other than the within Section shall be exempt from securing a license as provided in this section, but the person or said person’s employees, agents or servants shall be required to procure from the Borough Clerk a permit, upon proper identification and compliance herewith.

d. Any person making application under the provisions of this Section for the sale of flags or balloons, banners, pinwheels and other similar trinkets usually sold during the holding of any parade or other festivity in celebration of a holiday or occasion shall not be required to pay any fee for such license. However, such applicant shall comply with all of the rest of the terms and conditions of said Section. Such license shall be issued by the Clerk only for the day or days on which such celebration is to be held in the Borough.
(Ord. #368, S 53-7)

4-2.8 Rules and Regulations. Every person to whom a license is issued under the terms of this Section shall be governed by the following rules and regulations:

a. All circulars, samples or other matter shall be handed to an occupant of the property and not left on or about the same.
b. No person subject to the provision of this Section shall canvass, solicit or distribute circulars or other matter or call from house to house except during reasonable hours during the day and on weekdays.

c. No person subject to the terms of this Section shall enter or attempt to enter the lands, place of business or house of any resident in the Borough without an express invitation from the occupant of the house.

d. No person subject to this Section shall conduct himself in such manner as to become objectionable to or annoy an occupant of the house or place of business.

e. No person subject to and duly licensed pursuant to this Section shall engage in or in any manner pursue any licensed business or activity except during the following prescribed hours: On any day from 9:00 a.m. to 9:00 p.m.

f. Notwithstanding any other provision in this Chapter, solicitors representing Dimension Cable TV, the Borough cable TV franchise, shall be allowed to solicit as late as sundown. This special allowance shall expire on December 31, 1985.

(Ord. #368, S 53-8; Ord. #740, S 1; New; Ord. #90-21, SS 1, 2)

4-2.9 Sound-Making or Amplifying Devices. No licensee or any person in his behalf shall shout, cry out, blow a horn, ring a bell or any sound-making or amplifying device upon any of the streets, parks or other public places of the Borough or upon private premises, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, parks or other public places, for the purpose of attracting attention to any goods, wares, merchandise or services which the licensee proposed to sell. (Ord. #368, S 53-9)

4-2.10 Exclusive Right to Location; Operation in Congested Areas. No licensee shall have any exclusive right to any location in the public streets nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Section, the judgment of the police officer exercised in good faith shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenience. (Ord. #368, S 53-10)

4-2.11 Exhibition of Certificate of License. Licensees are required to exhibit their certificate of license at the request of any citizen or member of Police Department. (Ord. #368, S 53-11)

4-2.12 Records of Licenses and Violations. The Chief of Police shall report to the Borough Clerk all convictions for violations of this Section, and the Borough Clerk shall maintain a record for each license issued and record the report of violations therein. (Ord. #368, S 53-12)

4-2.13 Revocation of Licenses.

a. Licenses issued under the provisions of this Section may be revoked by the Council of the Borough after notice and hearing for any of the following causes:

1. Fraud, misrepresentation or a materially incorrect statement made in the course of carrying on his business as solicitor, canvasser or peddler.

2. Fraud, misrepresentation or a materially incorrect statement contained in the application for license.
3. Any violation of this Section.
4. Conviction of any crime or misdemeanor.
5. Conducting the business of peddler, canvasser or solicitor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

b. Notice of the hearing for revocation of a license shall be given by the Borough Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(Ord. #368, S 53-13)

4-2.14 Expiration of Licenses. All annual licenses issued under the provisions of this Section shall expire at 12:00 Midnight, December 31, in the year when issued. Other than annual licenses shall expire at 12:00 Midnight on the date specified in the license. (Ord. #368, S 53-14)

4-2.15 Ordinary Deliveries Excepted. This Section shall not affect any person engaged in delivering wares, goods or merchandise or articles or things, in the regular course of business, to the premises of the person ordering or entitled to receive the same. (Ord. #368, S 53-15)

4-2.16 Violations and Penalties. Any person violating the terms of this Section, whether as principal or agent, or employee of another, shall upon conviction be subject to a penalty as established in Chapter I, Section 1-5. (Ord. #368, S 53-16)

4-3 MASSAGE PARLORS.

4-3.1 License Required to Operate Massage Business. No person shall operate any establishment or utilize any premises in the Borough for a massage business unless and until there first has been obtained a license for such establishment or premises from the Borough Clerk in accordance with the terms and provisions of this Section. (Ord. #538, § 58A-1)

4-3.2 License Required to Perform Services. No person shall render or perform services as a masseur or masseuse or engage in the business of or be employed as a masseur or masseuse unless and until he or she has obtained a masseur’s or masseuse’s license from the Borough Clerk, in accordance with the terms and provisions of this Section. (Ord. #538, § 58A-2)

4-3.3 Contents of Application for License. Each applicant for a license, either for an establishment or premises to be used for a massage business or for a masseur’s or masseuse’s license, shall set forth the following information in writing on forms provided by the Borough Clerk.

a. The name and address of the applicant and all former addresses for a period of three (3) years prior to making application.
b. The address of the establishment or premises to be used in the massage business and a physical description of the property and facilities, if the applicant desires a license for said establishment on the premises.

c. If the applicant desires a masseur’s or masseuse’s license, a statement of all employment for a period of three (3) years prior to making application.

d. A statement as to whether or not the applicant, or, if a corporation, any officer or director thereof, has ever been convicted of a crime in this or any other State.

(Ord. #538, S 58A-3)

4-3.4 Fees.

a. The applicant for a license for an establishment or premises shall pay an initial fee of one hundred ($100.00) dollars and an annual renewal license fee of one hundred ($100.00) dollars, which shall become due on the first day of February in each year.

b. The applicant for a masseur’s or masseuse’s license shall pay an initial license fee of one hundred ($100.00) dollars, and an annual renewal license fee of one hundred ($100.00) dollars, which fee shall become due on February 1, in each year.

(Ord. #538, S 58A-4)

4-3.5 Approval by Borough Council Required. Each application for a license or the renewal thereof, either to operate a massage establishment or premises or to engage in the business of or to be employed as a masseur or masseuse, which is submitted to the Borough Clerk shall be approved by the Borough Council before any license is issued. The Borough Council shall not approve such application if, on the basis of the past criminal record of the applicant or of the principals thereof or on the basis of other evidence of bad character or morals, it shall determine that the granting or renewal of such license would tend to encourage or permit criminal or immoral activities within the Borough. (Ord. #538, S 58A-5)

4-3.6 Treatment of Opposite Sex. No person engaged or employed in the business of a masseur or masseuse shall treat a person of the opposite sex. (Ord. #538, S 58A-6)

4-3.7 Exceptions. The provisions of this Section shall not apply to massage or physical therapy treatments given:

a. In the office of a licensed physician, osteopath, chiropractor or physical therapist.

b. In a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, osteopaths, chiropractors and/or physical therapists.

c. By any licensed physician, osteopath, chiropractor or physical therapist in the residence of his patient.

(Ord. #538, S 58A-7)

4-4 TOWING SERVICE.
4-4.1 License Required. Unless properly licensed in accordance with the terms of this Section, no person shall engage in emergency towing services within the Borough. Existing licenses shall expire on June 30 and shall be renewable on July 1 of each year. Licenses shall be limited to one per person or one per business. (Ord. #693, S 1)

4-4.2 Definitions. As used in this Section:

Disabled Vehicle shall mean any inoperative or abandoned vehicles as well as any other vehicle, the removal of which may be authorized by the Police Department of the Borough for a violation of any statute or ordinance excepting impounded vehicles.

Impounded Vehicle shall mean any vehicle involved in the commission of a crime or the removal of which is, in the discretion of the Police Department, necessary to secure and preserve the vehicle and any evidence contained therein and prevent thereto by an unauthorized person.

Emergency Towing Service shall mean any towing service which may be required by the Police Department for the removal of any disabled or impounded vehicle from any point within the Borough to any other point. (Ord. #693, S 2)

4-4.3 Qualifications of License. Qualifications required of the person engaging in emergency towing services shall be as follows:

a. The applicant shall have a business location with the Borough, and a bona fide location at which to store disabled vehicles.

b. The applicant may but shall not be required to maintain facilities for the storage of impounded vehicles which facilities shall be suitably fenced, walled, or otherwise enclosed and locked such as to prevent the access thereto of any unauthorized person. In the event the applicant does not maintain such facilities, he shall not be authorized or licensed to provide emergency towing services for any impounded vehicle.

c. Prior to acceptance as qualified, the applicant shall submit to the Borough Clerk and Chief of Police a certificate of insurance carrier authorized to do business in the State of New Jersey, indicating that the applicant has secured General Liability and Garage Keepers Liability insurance with minimum coverage of one hundred thousand ($100,000.00) dollars, three hundred thousand ($300,000.00) dollars bodily injury and twenty-five thousand ($25,000.00) dollars property damage, actual cash value coverage for fire, theft and explosion. Each policy shall contain an endorsement providing for fifteen (15) days advance notice to the Borough in the event of any change in coverage or cancellation.

d. Vehicular equipment of the applicant shall be registered to the applicant and properly licensed and inspected as required by the State of New Jersey and shall have all necessary proof of licensing and inspection affixed thereto. All such vehicles shall be equipped with operational, duly licensed flashing amber warning lights, portable car dolly, a rubber sling, a CO2 or dry chemical fire extinguisher and a broom and shovel. The vehicular equipment shall be of sufficient size and shall be adequately maintained to properly tow any and all vehicles requiring emergency towing services as assigned by the Police Department. Any change in vehicular equipment must first be approved by Chief of Police and all standards as set forth in this subsection.
e. The applicant shall be available on a twenty-four (24) hour basis and shall indicate an ability to respond to Police calls for emergency towing service in an efficient and orderly manner and as quickly as is feasible. In no event shall the commencement of response time be in excess of fifteen (15) minutes from the time of the Police call for emergency towing service. The applicant shall be expected to arrive at the emergency site within a time commensurate with the distance between the applicant’s place of business and the emergency site, as well as with traffic and general road conditions.

(Ord. #693, S 3)

4-4.4 Filing of Application; Investigation. Every applicant for a license or license renewal under this Section shall complete, sign and verify a written application, in duplicate, on such forms as are prescribed and furnished by the Borough Clerk and shall pay to the Borough Clerk a non-refundable fee of fifty ($50.00) dollars. The form to be supplied by the Borough Clerk shall contain at least the following:

a. Name and address and drivers license number of the applicant and any employees of the applicant that are expected to be involved in the operation of applicant’s vehicular equipment in accordance with this Section.

b. Complete listing of all vehicular equipment that the applicant will use in accordance with the provisions of this Section including descriptions of the same and motor vehicle registration numbers of each vehicle.

c. The business location of the applicant as well as the location at which the applicant will store disabled or impounded vehicles alone with a complete description of all security measures which the applicant has available.

d. The applicant shall be given a copy of this Section and shall certify that he has read and understood the Section.

e. A certification by the applicant and each of the applicant’s employees that are expected to participate in the applicant’s activities as approved by this Section that each individual has not been convicted of a crime or disorderly persons offense involving moral turpitude within a period of five (5) years next preceding the date of the application. The application shall be filed with the Police Department and shall be processed as follows:

1. The Chief of Police or his designate shall be charged with the investigation of applicants and shall recommend to the Police Committee for the approval of Mayor and Council the issuance of a license when he finds that:

   (a) The applicant and all employees are properly licensed under all applicable motor vehicle laws of the State of New Jersey and are trained in the safe and efficient operation of the applicant’s vehicular equipment as set forth in subsections 4-4.3, paragraph d., of this Section; and

   (b) The application submitted by the applicant complies with the requirements of this Section and all other applicable ordinances of the Borough.

2. Upon notification of either approval or denial of the application by the Mayor and Council, the Borough Clerk shall within five (5) days notify the applicant by registered or certified mail of the approval or denial of his application, and in the event of approval, shall issue the license.

3. The license shall contain the name and address of the licensee, number of the license and fee paid, date of issuance and expiration date and the signature of the Borough Clerk and the seal of the Borough.
4. The license shall state whether or not the licensee is authorized to provide emergency towing services for any impounded vehicle. (Ord. #693, S 4)

4-4.5 License to Be Non-Transferable; Display of License. A license under this Section shall not be transferable. Each licensee shall produce his license whenever called upon to do so by the Police Department or any other duly authorized agency of the Borough. (Ord. #693, S 5)

4-4.6 Assigned List. The Chief of Police shall maintain a rotating assigned list which shall include the names of all licensees immediately upon the issuance of their respective licenses. The Chief of Police shall each week designate a licensee on call for the duration of one (1) week who shall during his assignment and designation as the licensee on call, respond to all calls or requests by the Police Department for emergency towing services. All other licensees shall be considered as alternates in the order in which they are maintained on the rotating assigned list and shall respond in the aforementioned order to requests for emergency towing services in any case in which:

a. The designated licensee on call fails to respond;

b. The number of vehicles involved requires the services of more than one licensee; or

c. An impounded vehicle is involved and the licensee on call does not maintain impoundment facilities as approved in accordance with subsection 4-4.3, paragraph b.

The assigned list shall be fairly and impartially applied to all licensees on the list. It shall be permissible for any licensee on call with proper notice to the Police Department to request substitution by any other licensee which substitution shall not, in any event, alter rotation according to the assigned list, diminish the responsibilities of a licensee on call, the substitute and/or any alternate to provide service in accordance with the terms of this Section, or in any way, interfere with the fair and impartial application of the assigned list. (Ord. #693, S 6)

4-4.7 Fees Permitted. No licensee shall charge more than the following fees:

a. For emergency towing service relative to any disabled vehicle from any point within the Borough, upon or near a public roadway, to another point within the Borough 7:00 a.m. to 5:00 p.m., where such disabled vehicle is either a passenger vehicle or a truck of one-half (1/2) ton or less, a fee not exceeding forty-five ($45.00) dollars.

b. For emergency towing services relative to any disabled vehicle from a point within the Borough, upon or near a public roadway, to any point outside the Borough, or for any truck in excess of one-half (1/2) tons, a fee which may exceed those specified above, provided, however, that in no event shall such fee be in excess of the accepted fees as generally established in use throughout the industry in the county.

c. For emergency towing service relative to any disabled vehicle from any point within the Borough, which point is other than upon or near a public roadway, to any other point within or outside of the Borough, a fee based upon the time devoted to the emergency towing service and the services performed, subject to the limitations set forth in paragraph b. above.
d. For emergency towing services relative to any impounded vehicle where the vehicle is removed to impoundment facilities maintained by the licensee and approved in accordance with this Section, a fee not to exceed ten ($10.00) dollars in addition to the fee which would be permitted under paragraphs a., b., or c. above, if the impounded vehicle were a disabled vehicle.

e. For storage of any disabled or impounded vehicle, a fee not to exceed ten ($10.00) dollars per day. In the case of a disabled vehicle, no storage fee shall be charged for the first twenty-four (24) hour period immediately following the towing service.

f. In any emergency towing service in which the use of a dolly is required to move the vehicle or protect it from further damage, the licensee shall be entitled to charge an additional fifteen ($15.00) dollars over and above the fees set forth above.

g. The Borough shall not be held responsible for any towing or storage fees. (Ord. #693, S 7; Ord. #779, S 1)

4-4.8 General Requirements.

a. The licensee assigned to an emergency service shall remove all loose debris and broken glass from the street or roadway at the scene of an accident after first conferring with the police officer(s) at the scene.

b. The investigating police officer at the scene of the emergency shall be in charge at all times and shall have the discretion to allow the driver of a disabled vehicle to call a towing operator of his choice who need not be a licensee hereunder, as long as the disabled vehicle is not impeding the flow of traffic and the towing operator of his choice is able to perform the emergency towing services within the time limitations set forth herein. In no event, however, shall any police officer recommend or request the services of a licensee other than the licensee on call or his alternate, or the towing operator specifically requested by the driver of a disabled vehicle. In case of an extreme emergency the officer in charge may request the specific services of a particular company.

c. In no event shall any police officer permit the removal of an impounded vehicle by an operator other than a licensee who has been authorized to remove impounded vehicles in accordance with this Section. In no event shall any licensee so authorized in accordance with the terms of this Section remove any impounded vehicle to any location other than the facilities so authorized for the impoundment of such vehicles under the terms of this Section. The removal of any impounded vehicle by such unauthorized licensee shall be subject to the supervision of the officer in charge.

d. No licensee shall respond to any request for emergency towing services unless specifically requested to do so by the Police Department upon notification from the officer in charge or upon the specific request of the driver or owner of the vehicle involved. (Ord. #693, S 8)

4-4.9 Enforcement and Supervision. The Police Department and the Chief of Police in particular shall be responsible for the enforcement of the terms and provisions of this Section. (Ord. #693, S 9)

4-4.10 Revocation of License.
a. Licenses issued under the provisions of this Section may be revoked by the Mayor and Council, after notice and hearing, for any of the following cases:

1. Fraud, misrepresentation or false statement contained in the application for license;

2. Any violation of this Section including failure to promptly respond to request for emergency towing services in accordance with subsection 4-4.3, paragraph d. of this Section.

3. Conviction of any crime or disorderly persons offense involving moral turpitude.

4. Habitual refusal of towing assignments and continual substitution.

b. Notice of the hearing for revocation of a license shall be given to the licensee in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed by registered or certified mail addressed to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

c. Any police officer or other person may file a written complaint against any licensee for any of the above causes and upon the filing of the complaint with the Borough Clerk, the hearing shall then be scheduled and the licensee notified as set forth above.

d. For the first offense resulting in revocation of a license under this Section, the Mayor and council shall suspend such license for a period of one (1) year. For a second offense resulting in revocation of a license, Mayor and Council may in their discretion suspend such a license for a period not to exceed five (5) years. For any subsequent violation of this Section resulting in revocation of a license, Mayor and Council in their discretion may permanently bar such licensee from obtaining a license for emergency towing services in the Borough. Unless permanently barred, any licensee may upon the expiration of the period of revocation re-apply for a new license provided he then complies with all the terms of this Section, and pays a new application fee and files the required application as set forth in subsection 4-4.4 of this Section.

(Ord. #693, S 10)

4-5 FIRE AND BURGLAR ALARMS.

4-5.1 Purpose. The purpose of this Section is to establish an alarm permit system in order to prevent response by public safety forces to unjustifiable false alarms and to minimize related threats to public safety which can result from the irresponsible installation and operation of such systems. (Ord. #697, S 1; Ord. #704, S 1)

4-5.2 Definitions. As used in this Section:

*Alarm* shall mean any fire alarms, burglar alarm, or other device designed and employed for the purpose of detecting a condition which may be harmful to any property or person.

*Audible Alarm* shall mean any alarm system so designed as to transmit a signal which is audible outside of the alarmed premises. This definition specifically excludes smoke detectors designed to warn persons inside of the alarmed premises.
Calendar Year shall mean the year commencing on January 1 and ending on December 31.

Dial Alarm shall mean an alarm devices which utilize conventional office telephone lines to transmit alarm messages to the Borough Police Department Telephone System.

False Alarm shall mean an alarm activated by inadvertence, negligence, or unintentional act of someone other than an intruder, and includes a swell, alarms caused by malfunctioning of the alarm device or other equipment. This definition shall not include alarms caused by the malfunctioning of the Point Pleasant alarm console or alarms caused by hurricanes, earthquakes, storms or other conditions of nature.

Panel Alarm shall mean alarm devices which may be connected to an electric or electronic alarm panel located in Police Headquarters.

Third Party Alarm shall mean alarm system whereby a signal is sent to a contractor who transmits the occurrence of an alarm to the Borough’s Police Department by telephone.

(Ord. #697, S 2; Ord. #704, S 2; Ord. #821, S 1)

4-5.3 Permit Requirements.

a. Prohibition. No person shall operate an audible alarm, dial alarm, or panel alarm or third party alarm with the Borough without first obtaining an appropriate permit. One permit shall be required per household, or business per premises for burglar alarms and/or fire alarms.

b. Contents for Permit. Each application for an alarm system permit shall contain the following.

1. Names, address and telephone number of applicant.
2. Names, address and telephone number of owner of premises, if other than applicant.
3. Names, address and telephone numbers of sufficient personnel acquainted with the alarm system who can be contacted in the event of an emergency.
4. Type of device.
5. Names of installer.
6. Required fees.

It shall be the responsibility of the permit holder to inform the Chief of Police in writing of any changes in the above information which may occur over time.

c. Issuance of Permit. Permits shall be issued by the Chief of Police upon the finding that the applicant has conformed to the requirement of this Section.

d. Revocation. Permits may be revoked by the Mayor and Council after an administrative hearing by the Police Committee for failure to comply with the requirements of this Section, for negligence in the operation of an alarm system, or for improper installation of an alarm system. Revocation of a permit shall result in the disconnection of alarms from the panel located at Police Headquarters.

(Ord. #697, S 3; Ord. #704, S 3)

4-5.4 Fees.
a. **Permit Fees.** The fee for a one-time permit required under this Section shall be fifteen ($15.00) dollars.

b. **Panel Alarm Fees.** In addition to permit fees, persons who connect to the Borough owned panel alarm located at Police Headquarters, if an when such a unit is obtained, shall be responsible for an initial connection fee of thirty ($30.00) dollars, an alarm reconnection or (when appropriate) disconnection fee of fifteen ($15.00) dollars and a yearly monitoring fee of forty ($40.00) dollars. (Ord. #697, S 4; Ord. #704, S 4)

4-5-5 Resetting of Alarms.

a. The permit holder or in his absence, the manager or person in charge shall be responsible for resetting activated alarms upon being notified to do so by the Police Department. Audible alarms shall be designed to reset within twenty (20) minutes of initial activation, and dial alarms shall have a minimum duration of twenty-five (25) seconds.

b. **Failure to Respond to Reset.** The failure of a permit holder or a person responsible for the management and supervision at the alarm location to respond to reset an alarm shall result in a service fee of twenty-five ($25.00) dollars. This fee shall be in addition to any fees assessed for excess false alarms. (Ord. #697, S 5; Ord. #704, S 5)

4-5-6 Excess False Alarms. It shall be a violation of this Chapter for any person to incur more than five (5) false alarms on any one system during a calendar year. (Ord. #704, S 6; Ord. #821, S 3)

4-5-7 Violations and Penalties. Any person violating subsection 4-5.6 shall be fined fifty ($50.00) dollars for each excess false alarm incurred. Any person convicted of any other violation of this Chapter shall be subject to a penalty as established in Chapter 1, Section 1-5. (Ord. #821, S 4)

4-5-8 Enforcement. The Fire Official shall enforce provisions of this Section pertaining to excess fire alarms. All other provisions of this Section shall be enforced by the Police Department. (Ord. #821, S 5)

4-6 PAYMENT OF REAL PROPERTY TAXES REQUIRED PRIOR TO ISSUANCE OF LICENSES AND PERMITS.

4-6.1 Purpose. The purpose of this Section is to implement the provisions of P.L. 1987, Chapter 174 to require any individual license or permit holder owning real property to bring up-to-date any overdue real property taxes in order to receive reissuance of a license or permit. Additionally, this Section shall provide for the revocation of a license or permit in accordance with the provisions of said Chapter 174. (Ord. #90-3, S 1)

4-6.2 Requirement. Prior to the issuance or renewal of any license or permit as set forth in Chapter IV of the Code of the Borough of Point Pleasant the applicant, if he is the owner of real property where the business or activity for which the license or permit is sought or wherein the business or activity is to be conducted, shall be required to pay any and all delinquent real estate taxes upon said property. (Ord. #90-3, S 2)
4-6.3 **Suspension.** The owner of said real property upon which said business or activity is located, shall have his or her license or permit revoked in the event that said individual, corporation or partnership has failed to pay taxes due on the property for at least three (3) consecutive quarters. Upon payment of the delinquent taxes or assessments, the license or permit shall be restored. (Ord. #90-3, S 3)

4-6.4 **Not Applicable to New Jersey Alcoholic Beverage Licenses or Permits.** This Section shall not apply to New Jersey Alcoholic Beverage Licenses or Permits issued pursuant to the "Alcoholic Beverage Control Act", R.S. 33:1-1 et seq. (Ord. #90-3, S 4)

4-7 **RESIDENTIAL RENTAL REGULATIONS.**

4-7.1 **Residential Rental Defined.** As used in the section the term residential rental shall mean residential properties rented by owners, or agents acting on behalf of owners, for temporary occupancy by tenants. This Section shall apply to rooming houses, boarding houses, and lodging houses licensed or regulated under other ordinances of this Borough, as well as single family residential dwellings, apartments or other multi-unit dwelling. (Ord. #1999-25, S 1)

4-7.2 **Residential Rental Certificate of Occupancy Required.** The owner or owners of any residential building, or any agent acting on behalf of any owner or owners, who intends to lease all or any part thereof as a residential rental as that term is defined herein shall first make application to the Construction Official of the Borough for the issuance of a residential rental certificate of occupancy and a residential rental license on each such form or forms as may be required by the Construction Official. Such applications shall be accompanied by the appropriate filing fee as set forth herein. (Ord. #1999-25, S 1)

4-7.3 **Residential Rental License Required.** No person, corporation or partnership shall let or lease any furnished or unfurnished housing or living unit for seasonal residential purposes for occupancy, unless a license to let each such unit is first procured and kept in effect at all such times as required by this Section or any other law or ordinance of the Borough of Point Pleasant Borough. (Ord. #1999-25, S 1)

4-7.4 **Applications for Residential Rental License.** Every person required to procure a license under the provisions of this Section shall submit an application for such license to the Building Department at the Municipal Building of the Borough of Point Pleasant Borough, which application shall be accompanied by the full amount of the fees chargeable for the license sought. All applications for a license under the provisions of this Section shall be by a written statement upon the forms provided by the Building Department and shall contain the following:

a. A statement that there have been no prior revocations or suspensions of license. In the event that there has been a prior revocation or suspension the Building Department shall not issue a license which refusal may be appealed as provided herein.

b. Statement that applicant is not violating the Zoning Ordinance of the Borough of Point Pleasant Borough.
c. Name of person to whom license will be issued and his residence address. If applicant is not an individual, then the names, positions and the residence addresses of all officers and managers of the applicant.

d. The address of the premises and the name and residence address of the owner of the premises and the names and permanent address of each proposed tenant.

e. The name and address of an agent of the owner of the premises residing in or having an office in the Borough of Point Pleasant Borough who is authorized to accept mailed service of any notice or order and to comply with same on behalf of the owner.

f. The name and address of the real estate agent, if any, negotiating the tenancy.

g. Proof of compliance with the Rental Certificate of Occupancy provisions of this Section.

(Ord. #1999-25, S 1)

4-7.5 License Renewals and Transfers. Applications for renewal or transfer of a license shall follow the same procedure as is outlined for an original application. (Ord. #1999-25, S 1)

4-7.6 Appeal Procedure. After submission of the application and the required fees to the Building Department, the Code Enforcement Officer shall make any investigation necessary to determine if there has been compliance with the Certificate of Smoke Detector Compliance provisions of Section 17-11, all building and housing requirements of Chapter VIII and shall indicate his approval or disapproval of the license application within ten (10) days after the application is filed with the Building Department. If approved, the license shall be issued by the Code Enforcement Officer. If disapproved, the Code Enforcement Officer shall notify the applicant and the Borough Clerk in writing of such disapproval and the reasons therefor, and the applicant shall have ten (10) days from receipt of notice of disapproval to appeal from the decision of the Code Enforcement Officer to the governing body of the Borough of Point Pleasant Borough, which after due hearing can affirm or reverse the decision of the Code Enforcement Officer. Such appeal shall be heard and decided within thirty (30) days of the filing of the appeal. (Ord. #1999-25, S 1)

4-7.7 License Specifications. Each license issued under the provisions of this Section shall state upon its face the following:

a. The name and address of the licensee and of the agent authorized to accept service of any notice or process on behalf of the licensee.

b. The name and permanent address of each tenant of the premises.

c. The amount of license fee therefor.

d. The dates of issuance and expiration thereof.

(Ord. #1999-25, S 1)

4-7.8 Regulations. In addition to the provisions hereinafter set forth covering specific licensed operations, every licensee under this Section shall:

a. Permit all reasonable inspections of the premises.
b. Permit access to the licensed premises at all reasonable time by the Code Official.

c. Ascertain and at all time comply with all laws and regulations applicable to such licensed premises.

d. Avoid all forbidden, improper, unlawful or unnecessary practices, business or conditions which do or may affect the public health, morals or welfare.

e. Refrain from operating the licensed operation on the premises after expiration of his license and during the period when his license is revoked or suspended.

f. Post and maintain his license or a copy thereof, upon the licensed premises in a place where it may be seen at all times.

(Ord. #1999-25, S 1)

4-7.9 Due Date of License Fees. License fees for furnished or unfurnished rental housing or living units occupied for residential purposes in the amount of twenty-five ($25.00) dollars shall be paid upon filing of the application for the license or for renewal thereof. All renewals of such licenses shall be obtained on or before January 15th of each calendar year. All such fees shall be payable through the Borough's Building Department. (Ord. #1999-25, S 1)

4-7.10 Enforcement of License Provisions. It shall be the duty of the Chief of Police, the Code Enforcement Officer and/or any police officer of the Borough of Point Pleasant Borough to determine if this Section has been complied with and to enforce the provisions of this Section against any person found to be violating the same. (Ord. #1999-25, S 1)

4-7.11 Posting of List of Names and Addresses of Tenants.

a. The landlord licensee shall cause to have a copy of the Rental Certificate of Occupancy and a list setting forth the full names and permanent addresses of each tenant, including the name and permanent addresses of each person contributing toward the cost of the rental, to be filed with the Borough's Code Enforcement Officer prior to the tenants taking possession of the premises.

b. In the event of a change in tenancy during the period of the license, the licensee shall file with the Code Enforcement Officer a list of the names and permanent addresses of the new tenants.

(Ord. #1999-25, S 1)

4-7.12 Revocation or Suspension of Licenses.

a. Causes. Any license granted or issued pursuant to this Section may be suspended or revoked as provided herein after notice and hearing for any of the following causes:

1. Any fraud, misrepresentations or false statement contained in the application for license.

2. Any violation of this Section or any Borough ordinance.

3. Conducting the use, licensed under this Section, by applicant himself, or any of his agents, servants, employees, tenants or occupants in any unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
4. In the event any tenant or occupant of the premises licensed hereunder is charged with a violation of a Borough ordinance, notice of the pending charge will be given by mail to the licensee and the person designated to receive notices on the licensee's behalf pursuant to subsection 4-7.4e. above. In the event two (2) such complaints are issued during one (1) licensing year and result in convictions in Municipal Court, then such conviction may be grounds for suspension or revocation of license.
(Ord. #1999-25, S 1)

4-7.13 Hearing.

a. Notice of Hearing. Notice of hearing for revocation or suspension of license shall be given in writing by the Borough Clerk or the Code Enforcement Officer, setting forth specifically the grounds of complaints and the time and place of the hearing. Such notice shall be mailed by certified mail to the licensee and his designated agent at the address indicated on the license application at least five (5) days prior to the date set forth for the hearing.

b. Conduct of Hearing. The hearing shall be held before hearing officer to be designated by resolution of the Governing Body and shall be tape recorded. At such hearing proof of conviction of any occupant of the licensed premises for a violation of any Borough ordinance relating to noise or disorderly conduct occurring on the licensed premises shall be admissible.

c. Penalties. The hearing officer upon a finding that the charges against the licensee have been sustained may in his discretion suspend the license for a specified period or revoke the license. In the discretion of the hearing officer such sentence may be suspended conditioned on subsequent compliance with the ordinance. If noncompliance with such condition is established at a subsequent hearing, the sentence will be reimposed.

d. Any suspension of license may include a period of suspension during the term of any renewal of the license.
(Ord. #1999-25, S 1)

4-7.14 Complaints. In addition to the provisions for revocation, the Code Enforcement Officer, the Chief of Police, any police officer of the Borough of Point Pleasant Borough or any taxpayer or resident of the Borough may make complaint in the Municipal Court of the Borough of Point Pleasant Borough for any violation of this Section, or any article, section, paragraph or provision thereof. (Ord. #1999-25, S 1)
CHAPTER V
ANIMAL CONTROL

5-1 PREAMBLE.

It is an objective of this Mayor and Council to protect the public safety from animal related nuisances and threats to public health, safety and welfare; and to provide for the humane treatment of animals. It has been determined that both objectives can be fostered by assuring that animal owners meet responsibilities for the control and care of their animals and pets. (Ord. #715)

5-2 DEFINITIONS.

As used in this Chapter:

*Animal* shall mean any live, vertebrate creature, domestic or wild.

*Animal Control Officer* shall mean a certified animal control officer who has completed a training course covering law enforcement methods and techniques and is authorized by the Borough and has successfully completed the training course promulgated pursuant to rules and regulations by the New Jersey Department of Health and Senior Services. Said animal control officers duly authorized and permitted to enforce the animal cruelty statutes pursuant to N.J.S.A. 4:22-1 et seq. The Animal Control Officer shall be duly appointed by resolution of the Mayor and Council to enforce the provisions of this Chapter, and provisions of P.L. 1997, Chapter 247 and P.L. 1996, Chapter 113.

*Animal Shelter* shall mean any facility operated by a nonprofit humane agency, municipal agency, or any other authorized agent of the Borough for the purpose of impounding or caring for animals held under the authority of this Chapter or State Law.

*Attack Dogs* shall mean any dog purchased, rented, or trained for the purpose of attacking intruders or other persons and capable of causing grievous or deadly injury to persons.

*Commercial Animal Establishments* shall mean any pet shop, auction, circus, performing animal exhibition, or kennel.

*Dangerous Animal* shall mean any animal or invertebrate that constitutes a physical threat to human beings or other animals.

*Dog* shall mean any dog or dog hybrid.

*Domestic Animal* shall mean any cat, dog, or livestock other than poultry.

*Kennel* shall mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other domesticated animals.

*Licensing Authority* shall mean Municipal Board of Health.
Owner shall mean and include any person owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for two (2) weeks or more.

Pet shall mean any animal kept for pleasure rather than utility.

Pet Shop shall mean any place of business which sells animals including but not limited to dogs, cats, birds, fish, reptiles, rabbits, hamsters, or gerbils, primarily for companionship.

Pot Bellied Pig shall mean any miniature pot-bellied pig obtained as a domestic pet and kept for pleasure rather than utility. Said pot-bellied pig shall at no time exceed the weight of one hundred (100) pounds.

Public Nuisance shall mean any animal which:
  a. Moles passers-by or passing vehicles;
  b. Attacks other animals or persons;
  c. Trespasses on school grounds;
  d. Is repeatedly at large;
  e. Damages private or public property;
  f. Barks, whines, or howls in an excessive, continuous, or untimely fashion.

Restraint shall mean any animal secured by a leash or lead, or within the real property limits of its owner.

Vicious Dog shall mean any dog or dog hybrid declared vicious by the Municipal Court Judge pursuant to this Chapter and N.J.S.A. 4:19-17 et seq.

Wild Animal shall mean those animals wild by nature, which because of habitat, mode of life or natural instinct, are not capable of being completely domesticated, and require the exercise of art, force or skill to keep them in subjection.

Wild Cats shall mean any cat that is living outdoors, is untagged and has no apparent owner.

(Ord. #715, S 1; Ord. #1993-23, S 1; Ord. #1995-15, S 1; Ord. #1998-04, S 1)

5-3 LICENSING AND TAGGING.

a. Any person owning, keeping, harboring, or having custody of any dog six (6) months of age or older within this Borough is required each year to have the same registered with the Board of Health; there shall be attached to the collar of each dog the registration tag furnished by the Board of Health.

b. Application for a license must be made within thirty (30) days after obtaining a dog that is six (6) months of age or older, except that this requirement will not apply to a nonresident keeping a dog within the Borough for a period of not longer than sixty (60) days.

c. The license expires January 31 of each year and is subject to renewal thirty (30) days prior to this expiration date each year.
d. Cats will wear a tag identifying owner by name and address; tags will be
provided by the cat owners; safety collars are advised. Cats over six (6)
months of age will be inoculated for rabies in such a manner and with such
frequency as to provide continuous protection against rabies.

e. Cats not wearing identification tags will be considered stray and wild
animals and subject to impoundment as stated in Section 5-5 of this
Chapter.

f. A one (1) year dog license shall be issued after payment of applicable fees:
   License: $7.00
   Registration: $1.00
   State of N.J. Neutering Program: $ .20
   Surcharge for Unneutered or Unspayed Dogs: $3.00

g. A late fee in the amount of five ($5.00) dollars shall be due and payable to
the Borough for each and every dog license renewed after the last day of
March of each year.
(Ord. #715, S 2; Ord. #809, S 1)

5-3.1 Reserved.

5-3.2 Licensing of Miniature Pot-Bellied Pigs.

a. Any person owning, keeping, harboring, or having custody of any
domesticated miniature pot-bellied pig duly registered with a nationally
recognized service and of at least six (6) months of age within this Borough
is required each year to have the same registered with the local Board of
Health. A photograph of said pot-bellied pig with any and all other required
documentation must be presented to the Board of Health along with the
applicable fee. A certificate of registration valid for that calendar year shall
then be issued by the local Board of Health to the owner.

b. No pot-bellied pig shall be considered lawful or issued a license until such
time as the local Board of Health has been presented with a certification
from a licensed veterinarian that said animal has been neutered or spayed.

c. In order to obtain said license each owner must present proof of said pot-
bellied pig having received any and all inoculations as may be required
under the regulations of the State of New Jersey.

d. Application for a license must be made within thirty (30) days after
obtaining a pot-bellied pig that is six (6) months of age or older, except that
this requirement will not apply to a nonresident keeping a pot-bellied pig
within the Borough for a period of not longer than sixty (60) days.

e. The license expires January 31 of each year and is subject to renewal thirty
(30) days prior to this expiration date each year.

f. A one (1) year pot-bellied pig license shall be issued after payment of
applicable fees:
   License: $7.00

g. A late fee in the amount of five ($5.00) dollars shall be due and payable to
the Borough for each pot-bellied pig
license renewed after the last day of March of each year.
(Ord. #1993-23, S 2)
5-4 PERMITS; COMMERCIAL ANIMAL ESTABLISHMENTS OR ANIMAL SHELTER.

a. No person shall operate a commercial animal establishment without first obtaining a permit in compliance with this section.

b. The permit shall begin on July 1 of each year and shall run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to, and up to thirty (30) days after July 1 of each year. Application for a permit to establish a commercial animal establishment under the provisions of this Chapter may be made at any time. For the permit year starting July 1, 1998 to June 30, 1999, for those commercial animal establishments which had previously complied with this Chapter and obtained a permit beginning on January 1, 1998, one-half (1/2) of the permit paid for the year beginning January 1, 1998 shall be credited toward the new permit which must be obtained so as to begin on July 1, 1998.

c. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a ten ($10.00) dollar transfer fee.

d. The annual license fee for a kennel providing accommodations for ten (10) or less dogs shall be ten ($10.00) dollars and for more than ten (10) dogs, twenty-five ($25.00) dollars. The annual license fee for other commercial animal establishments shall be ten ($10.00) dollars.

e. Prior to the issuance of any permits, the Borough Board of Health, in conjunction with the Office of Code Enforcement shall inspect the commercial animal establishment in order to determine that all requirements of this Chapter, and the appropriate Administrative Code Regulation, N.J.A.C. 8:23A-1.1 et seq. have been complied with.

(Ord. #715, S 3; Ord. #1998-04, S 2)

5-5 RESTRAINT.

a. All dogs and pot-bellied pigs shall be kept under restraint.

b. Allowing or permitting any dog, cat or pot-bellied pig to run at large, or allowing or permitting any dog or cat to annoy other inhabitants of the Borough is declared to be a nuisance and violation of this Chapter.

c. Every dangerous animal or invertebrate, as determined by the Animal Control Officer, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

d. No person shall keep or allow his dog or pot-bellied pig, or any such animal in his custody to be on the Public Beach of the Borough.

(Ord. #715, S 4; Ord. #1993-23, S 3)

5-6 IMPOUNDING.

a. The Animal Control Officer of the Borough of Point Pleasant shall take into custody and impound or cause to be taken into custody and impounded the following:
1. Any dog running at large within the limits of the Borough of Point Pleasant.
2. Any dog not licensed or tagged as provided by this Chapter.
3. Any dog off the premises of the owner, or the person keeping or harboring the dog, when the Animal Control Officer shall have reason to believe is a stray dog.
4. Any dog with a vicious or dangerous propensity, or noticeably infected with rabies, or bitten by an animal suspected of having rabies.
5. Any female dog in season off the premises of the owner or person keeping or harboring such dog.
6. Any cats creating a nuisance while off the property of their owner, or person keeping or harboring the cat.
7. Any dog or other animal as authorized by the provisions of N.J.S.A. 40:19-15.16.

b. In the event of a dog bite, the Animal Control Officer shall work directly under the Local Board of Health in all administrative and enforcement actions and in accordance with prescribed state statutes.

c. Any dog or cat so seized wearing a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or if the person keeping or harboring said dog or cat is known, the Animal Control Officer shall forthwith cause to be served upon the person whose address is given on the collar or on the owner or on the person keeping or harboring said dog or cat, if known, a notice in writing stating that the dog or cat has been seized and will become the subject of appropriate action in a manner approved by the Department of Health of the State of New Jersey if not claimed within seven (7) days after the service of the notice.

d. A notice under this section may be served either by delivering it to the person upon whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar or by forwarding it by post in a prepaid letter addressed to that person at his or her usual or last known place of abode or to the address given on the collar.

e. When any dog or cat so seized has been detained for seven (7) days after notice, when notice can be given as above set forth, or has been detained for seven (7) days after seizure, when no notice has been given as above set forth, and if the owner or person keeping or harboring said dog or cat has not claimed said dog or cat and not paid all expenses incurred by reason of its detention, which shall be not less than ten ($10.00) dollars, together with maintenance costs at the rate of five ($5.00) dollars per day, and if the dog is unlicensed at the time of the seizure produced a license and registration tag for said dog, the Animal Control Officer may take appropriate action in a manner approved by the Department of Health of the State of New Jersey and in accordance with the statutes of the State of New Jersey.

f. Fee schedule for the Borough of Point Pleasant animal control program (for animal shelter, euthanasia, burial):

<table>
<thead>
<tr>
<th>Disposition</th>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reclaimed</td>
<td>Administration fee</td>
<td>$20.00</td>
</tr>
<tr>
<td>Service</td>
<td>Fee</td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------</td>
<td></td>
</tr>
<tr>
<td>Adopted</td>
<td>Administration fee $20.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Board per day None</td>
<td></td>
</tr>
<tr>
<td>Quarantined</td>
<td>Administration fee $20.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Board per day $5.00</td>
<td></td>
</tr>
<tr>
<td>Unwanted</td>
<td>Administration fee $25.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Euthanasia fee $20.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Burial $30.00</td>
<td></td>
</tr>
<tr>
<td>Unwanted quarantined</td>
<td>Administration fee $20.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Board per day $5.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Euthanasia fee $20.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Burial fee $30.00</td>
<td></td>
</tr>
<tr>
<td>Dead on arrival, if owned</td>
<td>Administration fee $20.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Burial fee $30.00</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous handling</td>
<td>Dipping $10.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bathing $10.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bathing/Dipping $15.00</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. #715, S 5; Ord #1993-23, S 4; Ord. #1995-15, S 3)

5-6A  AUTHORITY TO ENTER UPON PREMISES.

The Animal Control Officer engaged in the performance of any duty under this Chapter or the statutes of the State of New Jersey is hereby authorized to enter upon any premises to seize and impound any dog or cat, or dogs or cats, which he may lawfully seize or impound when such officer is in immediate pursuit of said dog or cat, or dogs or cats, except upon the premises of the owner of the dog or cat, if said owner is present and forbids the same. (Ord. #1995-15, S 4)

5-6B  HINDRANCE OF ENFORCEMENT.

It shall be unlawful for any person to hinder, molest or interfere with any one authorized or empowered to perform any duty under this Chapter or of the statutes of New Jersey. (Ord. #1995-15, S 4)

5-7  ANIMAL CARE.

a. No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

b. No person shall ill-treat, torment, otherwise abuse an animal, or permit combat between animals.

c. Any owner that shall abandon an animal shall be subject to the penalties herein.
d. No person shall give away any live animal, reptile, or bird, except fish (permitted), as a prize for or as an inducement to enter any contest, games, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

e. It shall be unlawful for any person to place any known poisonous substance for the sole purpose of poisoning domestic or wild animals except rodents.  
(Ord. #715, S 6)

5-8 KEEPING OF CERTAIN ANIMALS PROHIBITED.

a. No person shall keep or permit to be kept on his premises any wild or dangerous animal for display or exhibition purposes, whether gratuitously or for a fee. No person shall raise, keep, harbor or maintain any hogs, cows, sheep, goats or pigs, with the exception of a domestic pot-bellied pig as defined by this Chapter of the Borough Code, within the limits of the Borough.

b. No person shall keep or permit to be kept any wild animals unless licensed by the State.

c. It shall be deemed unlawful, and a public nuisance, and a violation of this Chapter, for any person to keep or maintain more than four (4) dogs or cats, or a combination of dogs, cats or pot-bellied pigs in any property within the Borough of Point Pleasant. At no time shall a person keep or maintain more than one (1) pot-bellied pig in a property within the Borough of Point Pleasant. This section shall not apply to a litter of pups or kittens kept or maintained in or upon any property within six (6) calendar months of birth. This section shall also not be applicable to any commercial establishment or animal shelter licensed in accordance with Section 5-4 of this Chapter.

d. Persons having more than four (4) animals as of the date of the adoption of this section shall be allowed to keep a maximum of six (6) animals. However, the maximum number of animals such person shall be permitted to keep shall not exceed four (4) upon the death of animals being maintained or kept as of the date of the adoption of this section. 
(Ord. #715, S 7; Ord. #773, S 1; Ord. #803, S 1; Ord. #1993-23, S 5)

5-9 ANIMAL WASTE.

All dogs must be curbed by the person so controlling same. The owner of every animal shall be responsible for the removal of any excreta deposited by his animal on public walks, recreation areas, or private property. (Ord. #715, S 8)

5-10 VICIOUS ANIMALS.

a. The Animal Control Officer shall immediately notify the Municipal Court Administrator, and the Municipal Health Officer that he has seized and impounded a dog pursuant to Section 5-6 of this Chapter, or that he has reasonable cause to believe that a dog has killed another domestic animal and that a hearing is required. The Animal Control Officer shall through a reasonable effort attempt to determine the identity of the owner
of any dog seized and impounded pursuant to this Chapter or a statute of the State of New Jersey. If the owner cannot be identified within seven (7) days, that dog may be humanely destroyed.

b. The Animal Control Officer shall within three (3) working days of the determination of the identity of the owner of a dog seized and impounded pursuant to this Chapter notify the Municipal Court Administrator of the pertinent information regarding the animal and its owner so the Municipal Court may provide the appropriate notice or the Animal Control Officer may undertake the obligation of providing the appropriate notice by proceeding as follows: notify by certified mail, return receipt requested, the owner concerning the seizure and impoundment, and that, if the owner wishes, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that the owner return within seven (7) days, by certified mail or hand delivery, a signed statement indicating whether he wishes the hearing to be conducted or, if not, to relinquish ownership of the dog, in which case the dog may be humanely destroyed. The owner shall also be notified that if he wishes the hearing to be conducted, he may obtain a medical evaluation of the dog which shall be completed within ten (10) days of receipt of the notice. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for a certified letter, or does not reply to the certified letter with a signed statement within seven (7) days of receipt, the dog may be humanely destroyed.

c. The Municipal Court shall declare the dog vicious if it finds by clear and convincing evidence that the dog:

1. Killed a person or caused serious bodily injury to a person as defined in N.J.S. 2C:11-1(b); or

2. A dog shall not be declared vicious for inflicting death or serious bodily injury as defined in N.J.S. 2C11-1(b) upon a person if the dog was provoked. The Borough of Point Pleasant shall bear the burden of proof to demonstrate that the dog was not provoked; or

3. If the Municipal Court declares a dog to be vicious, and no appeal is made of this ruling pursuant to the Rules of Court, the dog shall be destroyed in a humane and expeditious manner, except that no dog may be destroyed during the pendency of an appeal.

d. 1. The Municipal Court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:

(a) Caused bodily injury as defined in N.J.S. 2C:11-1(b) to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person, or

(b) Killed another domestic animal, and

(1) Poses a serious threat of bodily injury or death to a person, or

(2) Poses a threat of death to another domestic animal, or

(c) Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.
2. The Municipal Court shall not declare a dog to be potentially dangerous for:
   (a) Causing bodily injury as defined in N.J.S. 2C:11-1(a) to a person if the dog was provoked, or
   (b) Killing a domestic animal if the domestic animal was the aggressor.

For the purposes of paragraph (a) the Borough of Point Pleasant shall bear the burden of proof to demonstrate that the dog was not provoked.

3. If the Municipal Court declares the dog to be potentially dangerous, it shall issue an Order and a schedule for compliance which, in part:
   (a) Shall require the owner to comply with the following conditions:
      (1) To apply, at his own expense, to the Clerk of the Borough of Point Pleasant or Board of Health Office for a special license designating the dog as a potentially dangerous dog, and issuing a municipal registration number, and a red identification tag to be worn on the dog's collar. The owner shall at his own expense, have the registration number tattooed upon the dog in a prominent location. A potentially dangerous dog shall be impounded until the owner obtains a municipal potentially dangerous dog license, registration number and a red identification tag:
      (2) To display, in a conspicuous manner, a sign on his premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from fifty (50') feet of the enclosure required by paragraph d,3(a)(3) of this section:
      (3) To immediately erect and maintain an enclosure for the potentially dangerous dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six (6') feet in height separated by at least three (3') feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of a potentially dangerous dog by an unknowing child or other person. All potentially dangerous dogs shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than three (3') feet from the owner and under the direct supervision of the owner;
      (4) The Municipal Court may order any other provision, control, or requirement that it deems equitable and just.

   e. Notwithstanding any provision to the contrary, the Borough of Point Pleasant and the owner of a dog may settle and dispose of the matter at any time in such manner and according to such terms and conditions as may be
mutually agreed upon. Notwithstanding any provision to the contrary, the Borough of Point Pleasant, or any of its employees, or agents shall not have any liability by virtue of entering into a settlement agreement pursuant to this section, or for any action or inaction related to the entry into such agreement, for any injuries or damages caused by the dog. As a condition of any settlement agreement the Borough of Point Pleasant shall require the owner of such dog to hold the Borough of Point Pleasant harmless for any damages, legal fees or expenses incurred by the Borough in defending against any cause of action brought against the Borough of Point Pleasant, its employees, or agents, notwithstanding the prohibition against such causes of action as set forth by New Jersey Statutes.
(Ord. #715, S 9; Ord. #1995-15, S 6, 7)

5-11 PENALTIES.

Any person who shall violate provisions or subsections of this section shall be fined in accordance with the following schedule pertaining to the applicable subsection of this section:

a. Violations of any provision of this Chapter shall be punished, by a fine of not less than fifty ($50.00) dollars nor more than one thousand ($1,000.00) dollars. If any such violation is a continuing one, each day's violation shall be deemed a separate violation. If any person is found guilty by a court of violating Section 5-6, his permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit shall be issued by the Licensing Authority.

b. The owner of a potentially dangerous dog who is found by clear and convincing evidence to have violated this chapter or has been found to have violated an Order of the Municipal Court of the Borough of Point Pleasant, shall be subject to a fine of not more than one thousand ($1,000.00) dollars per day of the violation, and each day's continuance of the violation shall constitute a separate and distinct violation.
(Ord. #715, S 10; Ord. #91-30, S 1; Ord. #95-13, S 1; Ord. #1995-15, S 8)

5-12 BOARD OF EDUCATION PROPERTY.

a. No person, whether as owner or an individual having care of or control of, shall bring or permit to be brought, or allow to run loose, any dog on any public school property or in any public school building located within the Borough of Point Pleasant, except as part of a theatrical production, or an activity specifically authorized by the Board of Education, the Superintendent of Schools, the Assistant Superintendent of Schools or any building principal.

b. Every public entrance onto school property shall be posted with a sign legibly lettered notifying the public that dogs are prohibited on the property or in the school building and shall further state that violations are subject to fine and punishment by a municipal ordinance. There shall be a minimum of four (4) signs posted at each school property under the ownership or control of the Point Pleasant Borough Board of Education.

c. The Superintendent of the School District, or persons designated by him, or any school principal, or persons designated by such school principal, or any
other person having control of school property, or a police officer or other public servant engaged in his official duties, or any other citizen, may sign a complaint against any individual for a violation of the provisions of this section.

d. Upon the signing of the complaint as provided herein against a person under the age of eighteen (18), the Municipal Court shall subpoena the parent(s) and/or guardian(s) of the person charged to appear at the Municipal Court hearing.

(Ord. #1999-05, S 1)
CHAPTER VI
ALCOHOLIC BEVERAGE CONTROL

6-1 PURPOSE.
This Chapter is enacted to regulate the sale and transportation of alcoholic beverages in the Borough of Point Pleasant in accordance with the provisions of an act of the Legislature of the State of New Jersey entitled An Act Concerning Alcoholic Beverages, comprising Chapter 436 of the Laws of 1933, its supplements and amendments, and also comprising N.J.R.S. 33:1-1 et seq., and in accordance with the rules and regulations of the State Director of Alcoholic Beverage Control. (New)

6-2 DEFINITIONS.
For the purpose of this Chapter, words and phrases herein shall have the same meanings as in R.S. 33:1-1 et seq., and the rules and regulations of the Director of the Division of Alcoholic Beverage Control. (New)

6-3 LICENSES.
6-3.1 Laws Applicable. All applications for licenses, all licenses issued and all proceeding under this Chapter shall be in accordance with the act, rules and regulations referred to in Section 6-1, and all other applicable laws of the State of New Jersey or the United States. (New)

6-3.2 Issuing Authority. All licenses required by this Chapter shall be issued by the Mayor and Council of the Borough which shall also administer the provisions of this Chapter. (New)

6-3.3 License Required. No person shall sell or distribute alcoholic beverages within the Borough without obtaining a license in accordance with the act referred to in Section 6-1 and the provisions of this Chapter. (New)

6-3.4 License Fees and Number of Licenses. The annual fees and number of licenses for the sale or distribution of the alcoholic beverages in the Borough shall be as follows:

<table>
<thead>
<tr>
<th>Class of License</th>
<th>Annual License</th>
<th>Number of Licenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plenary Retail Consumption License</td>
<td>$1,555.00</td>
<td>6</td>
</tr>
<tr>
<td>Plenary Retail Distribution License</td>
<td>$1,555.00</td>
<td>2</td>
</tr>
<tr>
<td>Club License</td>
<td>$150.00</td>
<td>3</td>
</tr>
</tbody>
</table>
The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer of licenses presently issued. (Ord. #368, S 5-2; Ord. #688, S 3; Ord. #694, S 2; Ord. #717, S 1-2; Ord. #798, S 2)

6-4 REGULATION OF LICENSES.

6-4.1 Hours of Sale. No alcoholic beverage shall be sold, delivered, served or consumed in any licensed premises on any day between the hours of 2:00 a.m. and 7:00 a.m. Between April 1 and October 31 no alcoholic beverages shall be sold between the hours of 2:00 a.m. and 6:00 a.m. of any day. An exception to the above shall be New Year’s Day each year as hereinafter provided. (Ord. #368, S 5-4)

6-4.2 New Year's Day. Provisions of subsection 6-4.1 shall not apply on January 1. On that day alcoholic beverages may be sold, served, delivered to or consumed in the licensed premises throughout the day. (Ord. #368, S 5-4)

6-4.3 Sales to Certain Persons. No licensee or employee of a licensee shall sell, serve or deliver, directly or indirectly, any alcoholic beverages to any habitual drunkard, intoxicated person or minor, nor permit the consumption of alcoholic beverages on any licensed premises by any of the above named classes of persons, or permit any such persons to congregate in or about the licensed premises. (New)

6-4.4 Closing Provision. The entire licensed premises shall be closed and no person shall be admitted or permitted to remain therein except the licensee or bona fide employee of the licensee on any day, between the hours as provided by subsection 6-4.1. This provision shall not apply to hotels and restaurants as defined in R.S. 33:1-1 et seq. or clubs. (Ord. #368, S 5-5; New)

6-5 PERSONS UNDER THE LEGAL AGE.

6-5.1 Presence of Persons Under the Legal Age Prohibited. It shall be unlawful for a person under the age of twenty-one (21) years with exceptions as provided by law, to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him any alcoholic beverage. (New)

6-5.2 Purchase By or For a Person Under the Legal Age Prohibited. It shall be unlawful for a person under the legal age of twenty-one (21) years with the exceptions as provided by law to consume any alcoholic beverage or to purchase, attempt to purchase, or have another purchase for him, any alcoholic beverage on any premises licensed for the sale of alcoholic beverages. (New)

6-5.3 Misrepresenting Age. It shall be unlawful for any person under the age of twenty-one (21) years with exceptions as provided by law, to misrepresent or misstate his age for the purpose of inducing any retail licensee or employee of any retail licensee to sell, serve or deliver any alcoholic beverage to him. (New)
6-5.4 **Penalty.** Any person who shall violate any of the provisions of this section shall upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5. (New)

6-6 **REVOCATION OF LICENSE.**

Any license issued under this Chapter may be suspended or revoked for violation of any of the provisions of this Chapter or any provision of any applicable statute or any of the rules or regulations of the State Director of Alcoholic Beverage Control.

Proceedings for suspension or revocation shall be in accordance with the provisions of R.S. 33:1-31 by a service of a five (5) day notice of charges preferred against the licensee and affording a reasonable opportunity for a hearing.

Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this Chapter.

(Ord. #368, S 5-6; New)

6-7 **COMPLAINTS.**

All complaints shall be made to the Police Department. (New)

6-8 **ENFORCEMENT.**

The Borough of Point Pleasant Police Department is hereby designated as the Alcoholic Beverage Control Investigation and Enforcement Unit, and is hereby authorized and empowered to investigate, inspect, search, and examine any licensed premises and to take any other action as may be authorized by Alcoholic Beverage Control Law. (Ord. #93-8, S 1)
CHAPTER VII
TRAFFIC

7-1 WORDS AND PHRASES.
Whenever any words and phrases are used in this Chapter, the meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey shall be deemed to apply to such words and phrases used herein. (Ord. #552, S 103-1)

7-2 OFFICIAL TIME STANDARD.
Whenever certain hours are named in this Chapter, they shall mean either Eastern Standard Time or Eastern Daylight Saving Time as may be in current use in the Borough. (New)

7-3 PARKING.
7-3.1 Regulations Not Exclusive. The provisions of this Chapter imposing a time limit on parking shall not relieve any person of the duty to observe other more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles as set forth in R.S. 39:4-138, any other New Jersey Statute or as hereinafter provided. (Ord. #552, S 103-5; New)

7-3.2 Parking Prohibited During State of Emergency.

a. Upon the declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary EMERGENCY NO PARKING signs are displayed. The Chief of Police or, in his absence, the ranking police officer is authorized to declare an emergency and to direct the posting of EMERGENCY NO PARKING SIGNS when weather conditions, accidents, fires or public celebration dictate or require the avoidance of hazards or conditions which interfere with the free flow of traffic. Notification the EMERGENCY NO PARKING signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

b. Any unoccupied vehicle parked or standing in violation of this Section shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of removal and storage which may result from such removal before regaining possession of the vehicle.

c. The effectiveness of this subsection is contingent upon the signs being erected as required by law. (Ord. #552, S 103-22; New)

7-3.3 Snow Emergency No Parking Areas.
a. Whenever snow has fallen and the accumulation is such that it covers the street or highway, no vehicle shall be parked on either side of any of the streets or parts thereof described in Schedule I attached to and made a part of this Chapter.

b. The above parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

(Ord. #552, S 103-21; Ord. #1996-19, S 1)

7-3.4 Parking Prohibited at All Times on Certain Streets. No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule II attached to and made a part of this Chapter. (Ord. #552, S 103-6; Ord. #778, S 1; Ord. #804, S 2; Ord. #818, S 1; Ord. #1996-13, S 1; Ord. #1996-14, SS 1, 2; Ord. #1998-29, S 1)

7-3.5 Parking Prohibited During Certain Hours on Certain Streets. No person shall park a vehicle between the hours specified in Schedule III of any day upon any of the streets or parts of streets in Schedule III attached to and made a part of this Chapter. (Ord. #522, S 103-7; Ord. #556, S 103-31; Ord. #574, S 103-31; Ord. #603, SS 1, 2; Ord. #774, S 1; Ord. #786, S 1; Ord. #804, S 1; Ord. #818, S 1; Ord. #837, SS 1, 2; Ord. #879, SS 1, 3; Ord. #93-3, S 1; Ord. #99-09, S 1)

7-3.6 Stopping or Standing Prohibited During Certain Hours on Certain Streets. No person shall stop or stand a vehicle between the hours specified in Schedule IV of any day upon any of the streets or parts described in Schedule IV attached to and made a part of this Chapter. (Ord. #552, S 103-8; Ord. #665, S 1; Ord. #774, S 2; Ord. #93-17, S 1; Ord. #1998-09, S 1)

7-3.7 Parking Time Limited on Certain Streets. No person shall park a vehicle for longer than the time limit shown in Schedule V at any time between the hours listed in Schedule V of any day upon any of the streets or parts of streets described in Schedule V attached to and made a part of this Chapter. (Ord. #552, S 103-9; Ord. #609, S 1; Ord. #774, S 3; Ord. #879, S 2)

7-4 LIMITING THE USE OF STREETS TO CERTAIN CLASS OF VEHICLES.

7-4.1 Trucks Over Four Tons Excluded From Certain Streets. Trucks over four (4) tons gross weight are hereby excluded from the streets or parts of streets described in Schedule VI except for the pick up and delivery of materials on such streets, Schedule VI being attached to and made a part of this Chapter. (Ord. #552, S 103-11; Ord. #791, S 1; Ord. #815, S 1; Ord. #879, S 3)

7-4.2 Parking Prohibited During Certain Hours for Trucks Over Four Tons. Trucks over four (4) tons gross weight are hereby prohibited from parking on the streets or parts of streets described in Schedule VII during the hours indicated thereon, Schedule VII being attached to and made a part of this Chapter. (Ord. #602, S 1)

7-5 ONE-WAY STREETS.
The streets or parts of streets described in Schedule VIII attached to and made a part of this Chapter are hereby designated as One-way streets in the direction indicated. (Ord. #552, S 103-12; Ord. #620, S 103-26; Ord. #716, S 1; Ord. #733, S 1; Ord. #741)

7-6 THROUGH STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS.

7-6.1 Through Streets. Pursuant to the provisions of R.S. 39:4-140, the streets or parts of streets described in Schedule IX attached to and made a part of this Chapter are hereby designated as Through Streets. STOP signs shall be installed on the near right side of each street intersecting the Through Street except where YIELD signs having sides thirty-six (36") inches in length are provided for in the designations. (Ord. #552, S 103-13; Ord. #641, S 1; Ord. #679, S 2; Ord. #681, S 1; Ord. #718, S 1; Ord. #733, S 2; Ord. #757, S 1; Ord. #778, S 1; Ord. #786, S 2; Ord. #93-3, S 2)

7-6.2 Stop Intersections. Pursuant to the provisions of R.S. 39:4-140, the intersections described in Schedule X attached to and made a part of this Chapter are hereby designated as Stop Intersections. STOP signs shall be installed as provided therein. (Ord. #552, S 103-14; Ord. #564; Ord. #603, S 3; Ord. #641, S 2; Ord. #681, S 2; Ord. #684, S 1; Ord. #697, S 1; Ord. #718, S 2; Ord. #733, S 3; Ord. #743, S 1; Ord. #757, S 2; Ord. 799, S 1; Ord. #832, S 1; Ord. #847, S 1; Ord. #859, S 1; Ord. #860, S 1; Ord. #92-47, S 1; Ord. #92-64, S 1; Ord. #96-02, S 1; Ord. #96-06, S 1; Ord. #1996-17, SS 1; Ord. #1996-22, S 1; Ord. #97-02, S 1; Ord. #97-03, S 1; Ord. #1998-10, SS 1, 2)

7-6.3 Yield Intersections. Pursuant to the provisions of R.S. 39:4-140, the intersections described in Schedule XI attached to and made a part of this Chapter are hereby designated as Yield Intersections. YIELD signs having sides thirty-six (36") inches in length shall be installed as provided therein. (Ord. #552, S 103-15; Ord. #718, S 3)

7-7 LOADING ZONES.

The locations described in Schedule XII attached to and made a part of this Chapter are hereby designated as Loading Zones. (Ord. #552, S 103-16)

7-8 TAXI STANDS.

The locations described in Schedule XIII attached to and made a part of this Chapter are hereby designated as Taxi Stands. (Ord. #552, S 103-17)

7-9 BUS STOPS.

The locations described in Schedule XIV attached to and made a part of this Chapter are hereby designated as Bus Stops. (Ord. #552, S 103-18; Ord. #1998-23, S 1)

7-10 TURN PROHIBITIONS.
7-10.1 **Left Turn Prohibition.** No person shall make a left turn at any of the locations described in Schedule XV attached to and made a part of this Chapter. (Ord. #552, S 2 103-20; Ord. #847, S 2; Ord. #92-47, S 2)

7-10.2 **U-Turn Prohibitions.** No person shall make a U-Turn at any of the locations described in Schedule XVI attached to and made a part of this Chapter. (Ord. #522, S 103-19)

7-10.3 **No Turns.** No person shall make a turn at any of the locations described in Schedule XVII attached to and made a part of this Chapter. (New)

7-11 **SPEED LIMITS.**

The streets or parts of streets described in Schedule XVIII attached to and made a part of this Chapter shall have the speed limits designated in such schedule.

Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits as authorized by the Department of Transportation. (Ord. #552, S 103-25; Ord. #685, S 1; Ord. #725, S 1; Ord. #1996-17, S 2)

7-12 **NO PASSING ZONES.**

No Passing Zones are hereby established and maintained along those streets or parts of streets described in Schedule XIX, attached to and made a part of this Chapter, as authorized by the New Jersey Department of Transportation in accordance with the sketch dated and numbered as indicated. (Ord. #552, S 103-29; Ord. #852, S 1)

7-13 **TRAFFIC CONTROL SIGNALS.**

7-13.1 **Traffic Signals Established.** Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule XX attached to and made a part of this Chapter. (Ord. #552, S 103-27)

7-13.2 **Installation.** Traffic signal installation shall be in accordance with the provisions of An Act Concerning Motor Vehicles and Traffic Regulations, Subtitle 1 of Title 39 of the New Jersey Revised Statutes, shall conform to the design and shall be maintained in operation as authorized by the Department of Transportation of the State of New Jersey. (Ord. #552, S 103-28)

7-14 **HANDICAPPED PARKING.**

7-14.1 **Purpose.** The purpose of this Section is to increase access to public buildings by handicapped persons pursuant to local needs and direction provided by N.J.S.A. 52:32-11 and N.J.S.A. 52:32-12. (Ord. #714, S 1)

7-14.2 **Definitions.** As used in this Section:

*Handicapped Person* shall mean a person who may be classified as having a physical impairment which manifests itself in one or more of the following ways:
non-ambulatory; semi-ambulatory; visually impaired; deaf or hard-of-hearing; having faulty coordination; and having reduced mobility, flexibility, coordination, or perceptiveness due to age, physical, or mental condition.

*Public Building* shall mean any building, structure, facility or complex used by the general public or to which the general public is invited, including but not limited to theaters, concert halls, auditoriums, museums, schools, libraries, recreation facilities, public transportation terminals and stations, factories, office buildings, shopping centers, hotels or motels and public eating places, whether privately or publicly owned, except that this term shall not include one (1) to four (4) family housing units, warehouse storage areas and all buildings containing hazardous flammable or explosive material.

(Ord. #714, S 2)

7-14.3 Requirement. The owners of all public buildings which provide parking spaces adjacent to or used in conjunction with the public buildings shall, within one hundred eighty (180) days of notice thereof, provide and thereafter maintain parking spaces for handicapped persons in accordance with the guidelines herein set forth and in a location and manner as determined by the Construction Official. Any parking facility with less than twenty-two (22) existing spaces shall be exempt from the provisions of this Chapter. This does not preclude those with less than twenty-two (22) spaces from including a space for handicapped parking. Housing complexes shall identify handicap parking spaces whenever a handicapped person is a resident of such complex. This space shall be designated by the owner and or manager of the building. (Ord. #714, S 3)

7-14.4 Standards. Parking spaces for the handicapped shall be constructed according to the following guidelines:

a. A minimum of one (1%) percent of the total number of parking spaces, but not less than two (2) parking spaces, shall be provided in an area of the parking facility which is most accessible and approximate to the buildings which the facility serves.

b. Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following wording: “These spaces reserved for handicapped drivers.”

c. Each space shall be twelve (12’) feet wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking.

d. Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.

e. Where handicapped parking is designated curb ramps shall be provided to permit handicapped people access from parking areas to sidewalk.

(Ord. #714, S 4)

7-14.5 Identification. No persons shall park a vehicle in any parking space designated and marked as being set aside for the physically handicapped in any parking facility unless the operator of the vehicle is the holder of an identification card issued pursuant to N.J.S.A. 39:4-205 or 68-7 hereof, and the operator’s vehicle shall have affixed thereto an identification certificate or marker issued by the New Jersey Director of the Division of Motor Vehicles, or temporary permits.
issued for thirty (30) days by the Police Chief for handicapped individuals upon verification by physician. (Ord. #714, S 5)

7-15 PENALTY.
Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of a provision of this Chapter or any supplement thereto shall be liable to a penalty of not more than one hundred ($100.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

All former traffic ordinances of the Borough of Point Pleasant covered in this traffic Chapter are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Chapter. (Ord. #574, S 103-2, S 103-4; New; Ord. #90-16, S 2)

7-16 PARKING REGULATIONS ADJACENT TO BOROUGH HALL.

7-16-1 Parking Regulations. The following are hereby established as parking regulations adjacent to Borough Hall:

a. The parking lot southerly and westerly of the Borough Hall Structure, north of Bridge Avenue, containing sixty-seven (67) parking spaces, shall be limited to parking for a maximum of ten (10) minutes.

b. The provisions of this section shall apply during regular business days of the Borough of:
1. Monday through Friday, 9:00 a.m. to 4 p.m. and
2. Thursdays, 6:30 p.m. to 8:30 p.m.

c. The provisions of this section shall not apply to Borough employees, officials, or individuals transacting business at the Borough Hall.

d. The Borough shall post signs indicating that there is a time limitation for use of the Borough Hall public parking spaces.
(Ord. #863, S 1)

7-16.2 Prohibited Parking. No person shall park or store between the hours of 9:00 p.m. and 6:00 a.m. a motor drawn vehicle, omnibus, pole trailer, road tractor, or commercial motor vehicle at the Borough Hall parking lot. (Ord. #863, S 1)

7-16.3 Regulations Not Exclusive. The provisions of this section imposing a time limit on parking shall not relieve any person of the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles as set forth in N.J.S.A. 39:4-138, and other New Jersey Statute. (Ord. #863, S 1)

7-16.4 Penalties. Any person found to have violated the provisions of this sections hall be subject to a penalty of between twenty-five ($25.00) dollars and one hundred ($100.00) dollars for the first offense, and a penalty of between two hundred ($200.00) dollars and one thousand ($1,000.00) dollars for a second and subsequent offense. (Ord. #863, S 1)
7-16.5 Jurisdiction. The provisions of this section shall be enforced in the Municipal Court of the Borough of Pleasant. (Ord. #863, S 1)

SCHEDULE I

SNOW EMERGENCY NO PARKING

In accordance with the provisions of subsection 7-3.3, no person shall park a vehicle, during snow emergencies, upon any of the following streets or parts of streets.

Benedict Street
Catherine Street
Dorsett Dock Road
Laura Herbert Drive
Pulaski Drive
Riviera Parkway
Rue Avenue
Rue Lido
Rue Rivoli
School Street

SCHEDULE II

NO PARKING

In accordance with the provisions of subsection 7-3.4, no person shall park a vehicle at any time upon any of the following described streets or parts of streets.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Sides</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Streets</td>
<td>Both</td>
<td>Within 50 feet of the end of any street or road that ends either at or within 100 feet from the line of the Manasquan River, Point Pleasant Canal or the Beaver Dam Creek.</td>
</tr>
<tr>
<td>Arnold Avenue</td>
<td>West</td>
<td>From the southerly curb-line of Trenton Avenue to a point 60 feet southerly thereof.</td>
</tr>
<tr>
<td>Bay Avenue</td>
<td>Both</td>
<td>From Bridge Avenue to Meadow Avenue.</td>
</tr>
<tr>
<td>Street</td>
<td>Direction</td>
<td>Description</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Beech Street</td>
<td>Southeast</td>
<td>Twenty-five (25') feet from the corner of the southeast side of Beech Street where it intersects with River Avenue.</td>
</tr>
<tr>
<td>Beech Street</td>
<td>Northeast</td>
<td>Fifty (50') feet from the stop signs on the northeast side of Beech Street where it intersects with River Avenue.</td>
</tr>
<tr>
<td>Bradford Drive</td>
<td>N/A</td>
<td>On the entire radius of the cul-de-sac at the southerly terminus.</td>
</tr>
<tr>
<td>Canal Street</td>
<td>Both</td>
<td>From its dead end to a point 100 feet easterly thereof.</td>
</tr>
<tr>
<td>Canal Street</td>
<td>North</td>
<td>From Bay Avenue west to its end.</td>
</tr>
<tr>
<td>Chestnut Street</td>
<td>Southeast</td>
<td>Twenty-five (25') feet from the corner of the southeast side of Chestnut Street where it intersects with River Avenue.</td>
</tr>
<tr>
<td>Chestnut Street</td>
<td>Northeast</td>
<td>Fifty feet (50') from the stop signs on the northeast side of Chestnut Street where it intersects with River Avenue.</td>
</tr>
<tr>
<td>Dunham Lane</td>
<td>Both</td>
<td>Entire Length.</td>
</tr>
<tr>
<td>Front Street</td>
<td>North</td>
<td>Fifty (50') feet from the corner where it intersects with Arnold Avenue.</td>
</tr>
<tr>
<td>Edgewater Place</td>
<td>North</td>
<td>From Osborne Avenue east to its dead end.</td>
</tr>
<tr>
<td>Grove Street</td>
<td>North</td>
<td>From Bridge Avenue west to its end.</td>
</tr>
<tr>
<td>Johnson Avenue</td>
<td>Both</td>
<td>From the southerly curb-line of Lakewood Road and Ocean Road (Route 88) to a point 50 feet south thereof.</td>
</tr>
<tr>
<td>Laura Herbert Drive</td>
<td>Both</td>
<td>From Frances Drive southerly to Parking Area No. 1 and around the circle.</td>
</tr>
<tr>
<td>Street Name</td>
<td>Direction</td>
<td>Distance and Location</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Lawrence Avenue</td>
<td>North</td>
<td>Fifty (50') feet from the corner where it intersects with Arnold Avenue.</td>
</tr>
<tr>
<td>Manetta Drive</td>
<td>Both</td>
<td>From the easterly intersection of North Manetta Drive and South Manetta Drive to Route 35.</td>
</tr>
<tr>
<td>Manetta Drive</td>
<td>Both</td>
<td>From the westerly intersection of North Manetta Drive and South Manetta Drive to Bay Avenue.</td>
</tr>
<tr>
<td>Maple Street</td>
<td>Southeast</td>
<td>Twenty-five (25') feet from the corner of the southeast side of Maple Street where it intersects with River Avenue.</td>
</tr>
<tr>
<td>Maple Street</td>
<td>Northeast</td>
<td>Fifty (50') feet from the stop signs on the northeast side of Maple Street where each intersects with River Avenue.</td>
</tr>
<tr>
<td>Maplewood Avenue</td>
<td>East</td>
<td>Entire Length.</td>
</tr>
<tr>
<td>Meadow Avenue</td>
<td>Both</td>
<td>From Bay Avenue to its easterly terminus.</td>
</tr>
<tr>
<td>Memorial Drive</td>
<td>Both</td>
<td>From the southerly curbline of New Jersey Route 88 to a point 271.34 feet south thereof.</td>
</tr>
<tr>
<td>Mount Place</td>
<td>North</td>
<td>From Bay Avenue west to its end.</td>
</tr>
<tr>
<td>Mount Place</td>
<td>Both</td>
<td>From Bay Avenue to Walter Stout Lane.</td>
</tr>
<tr>
<td>Old Drift Road</td>
<td>Both</td>
<td>From Dorsett Dock Road northerly to Parking Area No. 3 and Pulaski Drive.</td>
</tr>
<tr>
<td>Panther Road</td>
<td>Both</td>
<td>From Beaver Dam Road westerly to Laura Herbert Drive, including Rear Lane Spur to Parking Area No. 4.</td>
</tr>
<tr>
<td>Rear Lane</td>
<td>Both</td>
<td>That area immediately adjacent to the entire length of the rear of the high school for a width of twenty (20') feet.</td>
</tr>
</tbody>
</table>
River Avenue  East  From River Road northerly to the Manasquan River.

Spruce Street  Southeast  Twenty-five (25’) feet from the corner of the southeast side of Spruce Street where it intersects with River Avenue.

Spruce Street  Northeast  Fifty (50’) feet from the stop signs on the northeast side of Spruce Street where it intersects with River Avenue.

Trenton Avenue  South  From the westerly curbl ine of Arnold Avenue to a point sixty (60’) feet westerly thereof.

Whitten Drive  North  Entire Length.

Willow Street  Southeast  Twenty-five (25’) feet from the corner of the southeast side of Willow Street where it intersects with River Avenue.

Willow Street  Northeast  Fifty (50’) feet from the stop signs on the northeast side of Willow Street where it intersects with River Avenue.

Wilmington Street  West  From Route 88 to Delaware Avenue.

SCHEDULE III

PARKING PROHIBITED CERTAIN HOURS

In accordance with the provisions of subsection 7-3.5, no person shall park a vehicle between the hours specified upon any of the following described streets or parts of streets.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Sides</th>
<th>Hours</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benedict Street</td>
<td>West</td>
<td>7:00 a.m. to 5:00 p.m.</td>
<td>From New Jersey Route 88 to Catherine Street.</td>
</tr>
<tr>
<td>Bradford Drive</td>
<td>West</td>
<td>9:00 a.m. to 5:00 p.m.</td>
<td>From the southerly terminus to a point 575 feet to the north.</td>
</tr>
<tr>
<td>Street Name</td>
<td>Direction</td>
<td>Time</td>
<td>Description</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------</td>
<td>------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bradford Drive</td>
<td>East</td>
<td>9:00 a.m. to 5:00 p.m. Mondays through Fridays except official holidays.</td>
<td>From the southerly terminus to a point 400 feet to the north.</td>
</tr>
<tr>
<td>Brown Street</td>
<td>Both</td>
<td>10:00 p.m. to 6:00 a.m.</td>
<td>Entire Length.</td>
</tr>
<tr>
<td>Catherine Street</td>
<td>North and South</td>
<td>7:00 a.m. to 5:00 p.m. Mondays through Fridays except official holidays.</td>
<td>From John Street east to William Street.</td>
</tr>
<tr>
<td>Catherine Street</td>
<td>South</td>
<td>7:00 a.m. to 5:00 p.m. Mondays through Fridays except official holidays.</td>
<td>From John Street west to Benedict Street.</td>
</tr>
<tr>
<td>Church Road</td>
<td>East</td>
<td>4:00 p.m. to 8:00 p.m., Sunday, 6:00 a.m. to 11:00 p.m.</td>
<td>From Herbertsville Road to Summit Road.</td>
</tr>
<tr>
<td>Delaware Avenue</td>
<td>Both</td>
<td>10:00 p.m. to 6:00 a.m.</td>
<td>From Tyler Street to Madison Street.</td>
</tr>
<tr>
<td>Howe Street</td>
<td>Both</td>
<td>9:00 a.m. to 5:00 p.m. Mondays through Fridays except official holidays.</td>
<td>From the west side of Howe Court to the Point Pleasant Canal.</td>
</tr>
<tr>
<td>Laura Herbert Drive</td>
<td>East</td>
<td>7:00 a.m. to 8:00 a.m.; 2:00 p.m. to 3:00 p.m.</td>
<td>From the southerly curbline of Panther 2:00 p.m. to Path to the northerly curbline of Area #1.</td>
</tr>
</tbody>
</table>
Lister Street  West  10:00 p.m. to Entire Length.  
6:00 a.m.

Madison Street  West  10:00 p.m. to Entire Length.  
6:00 a.m.

Maxson Avenue  West  10:00 p.m. to From River Road  
6:00 a.m.  north to the Manasquan River.

Mount Place  Both  6:00 to  From Walter Stout  
10:00 p.m.  Lane to the Point Pleasant Canal.

Tyler Street  West  10:00 p.m. to Entire Length.  
6:00 a.m.

Walter Stout Lane  Both  9:00 a.m. to Entire Length.  
5:00 p.m.  Mondays through  
Fridays except official  
holidays.

Whitten Drive  South  7:00 a.m. to Entire Length.  
5:00 p.m.

**SCHEDULE IV**

**NO STOPPING OR STANDING**

In accordance with the provisions of subsection 7-3.6, no person shall stop or 
stand a vehicle upon any of the following described streets or parts of streets.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Sides</th>
<th>Hours</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arnold Avenue</td>
<td>North</td>
<td>Any time</td>
<td>From Lincoln Avenue to a point 350 feet west of the westerly curbline of Lincoln Avenue.</td>
</tr>
<tr>
<td>Arnold Avenue</td>
<td>South</td>
<td>Any time</td>
<td>From Lincoln Avenue to a point 750 feet west of the westerly curbline of Lincoln Avenue.</td>
</tr>
<tr>
<td>Dorsett Dock Road</td>
<td>Both</td>
<td>9:00 p.m. to 7:00 a.m.</td>
<td>From a point 50 feet north of the southerly end of the roadway to a point 130 feet north of the southerly end of the roadway.</td>
</tr>
<tr>
<td>River Avenue</td>
<td>Both</td>
<td>Any time</td>
<td>From a point 125 feet north of the northerly curbline of Route 88 to a point 125 feet south of the southerly curbline of Route 88.</td>
</tr>
<tr>
<td>River Avenue</td>
<td>West</td>
<td>Any time</td>
<td>From Newark Avenue to New Jersey State Highway 88.</td>
</tr>
<tr>
<td>River Avenue</td>
<td>Both</td>
<td>Any time</td>
<td>From the northerly curbline of Herbertsville Road to a point 100 feet north</td>
</tr>
</tbody>
</table>
thereof, and from the southerly curblen of Herbertsville Road to a point 100 feet south thereof.

Riverwood Avenue Both Any time Along both sides of Riverwood Avenue from the northerly curbline of C.R. #63 (Bridge Avenue) to a point 100 feet north thereof.

SCHEDULE V

PARKING TIME LIMITED

In accordance with the provisions of subsection 7-3.7, no person shall park a vehicle for longer than the time shown on any of the following described streets or parts of streets.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Sides</th>
<th>Hours</th>
<th>Time Limit</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridge Avenue</td>
<td>North</td>
<td>Anytime</td>
<td>30 Minutes</td>
<td>From a point 33 feet west of the westerly curbline of Roberts Place to a point 33 feet east of the easterly curbline of Beaver Dam Road.</td>
</tr>
<tr>
<td>Laura Herbert Drive</td>
<td>East</td>
<td>8:00 a.m. to 2:00 p.m.</td>
<td>One Hour</td>
<td>From the curbline of Panther Path to the northerly curbline of Area #1.</td>
</tr>
</tbody>
</table>

SCHEDULE VI

TRUCKS OVER FOUR TONS EXCLUDED FROM CERTAIN STREETS

In accordance with the provisions of subsection 7-4.1 trucks over four (4) tons gross weight are excluded from the following streets or parts of streets.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Avenue</td>
<td>From Ocean Road north to the Border of Point Pleasant and Point Pleasant Beach.</td>
</tr>
<tr>
<td>Bradford Drive</td>
<td>Entire Length.</td>
</tr>
<tr>
<td>Delaware Avenue</td>
<td>Entire Length.</td>
</tr>
<tr>
<td>Hillside Avenue</td>
<td>From Herbertsville Road to Riverwood Avenue.</td>
</tr>
<tr>
<td>Lockhart Lane</td>
<td>Entire Length.</td>
</tr>
<tr>
<td>North Manetta Drive</td>
<td>Entire Length.</td>
</tr>
<tr>
<td>Oak Terrace</td>
<td>From Herbertsville Road to</td>
</tr>
</tbody>
</table>
Mistletoe Avenue.

Riverwood Avenue From Herbertsville Road to Bridge Avenue.

South Manetta Drive Entire Length.

SCHEDULE VII

PARKING PROHIBITED DURING CERTAIN HOURS FOR TRUCKS OVER FOUR TONS

In accordance with the provisions of subsection 7-4.2, no person shall park a truck over four (4) tons gross weight between the hours specified upon the following described streets or parts of streets.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Sides</th>
<th>Hours</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>West End Drive</td>
<td>Both</td>
<td>10:00 p.m. to 7:00 a.m.</td>
<td>Entire Length.</td>
</tr>
</tbody>
</table>

SCHEDULE VIII

ONE-WAY STREETS

In accordance with the provisions of section 7-5, the following described streets or parts of streets are hereby designated as one-way streets.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Direction</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benedict Street</td>
<td>North</td>
<td>From Catherine Street to New Jersey Route 88.</td>
</tr>
<tr>
<td>Maplewood Road</td>
<td>South</td>
<td>Between Route 88 and Shadyside Avenue.</td>
</tr>
<tr>
<td>Mount Place</td>
<td>West</td>
<td>From Bay Avenue to Walter Stout Lane.</td>
</tr>
<tr>
<td>North Manetta Drive</td>
<td>West</td>
<td>Entire Length.</td>
</tr>
<tr>
<td>Pulaski Drive</td>
<td>West</td>
<td>From Rear Lane to Parking Lot No. 2 of the Point Pleasant Borough High School.</td>
</tr>
<tr>
<td>Shadyside Avenue</td>
<td>East</td>
<td>Between Maplewood Road and Central Avenue.</td>
</tr>
<tr>
<td>South Manetta Drive</td>
<td>East</td>
<td>Entire Length.</td>
</tr>
</tbody>
</table>
SCHEDULE IX

THROUGH STREETS

In accordance with the provisions of subsection 7-6.1, the following described streets or parts of streets are hereby designated as Through Streets. STOP signs shall be installed on the near right side of each street intersecting the Through Street except where YIELD RIGHT OF WAY signs are provided for in the designation.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barnegat Bay Boulevard</td>
<td>Between Susan Lane and Barnegat Bay.</td>
</tr>
<tr>
<td>Barton Avenue</td>
<td>Between Herbertsville Road and River Road.</td>
</tr>
<tr>
<td>Barton Avenue</td>
<td>Between Moore Avenue and New Jersey Route 88.</td>
</tr>
<tr>
<td>Barton Avenue</td>
<td>Between New Jersey Route 88 and Herbertsville Road.</td>
</tr>
<tr>
<td>Borden Avenue</td>
<td>Between New Jersey Route 88 and Atlantic Avenue.</td>
</tr>
<tr>
<td>Bradford Drive</td>
<td>Between Lockhart Lane and its terminus at Pine Bluff Avenue.</td>
</tr>
<tr>
<td>Cardinal Drive</td>
<td>Between Dorsett Dock Road and Beaver Dam Road.</td>
</tr>
<tr>
<td>Catherine Street</td>
<td>Between Johnson Avenue and Woods End Road.</td>
</tr>
<tr>
<td>Chicopee Avenue</td>
<td>From Nowata Avenue to Comanche Drive.</td>
</tr>
<tr>
<td>Cohocton Avenue</td>
<td>From Bridge Avenue to Comanche Drive.</td>
</tr>
<tr>
<td>Comanche Drive</td>
<td>From its northerly terminus to Hyacinth Place.</td>
</tr>
<tr>
<td>Crestview Terrace</td>
<td>Between Herbertsville Road and Mistletoe-Summit Drive.</td>
</tr>
<tr>
<td>Curtis Avenue</td>
<td>Between Bridge Avenue and New Jersey Route 88.</td>
</tr>
<tr>
<td>Delaware Avenue</td>
<td>Entire Length.</td>
</tr>
<tr>
<td>Donna Drive</td>
<td>Between Jackson Street and its terminus at Faye Court.</td>
</tr>
<tr>
<td>Dorsett Dock Road</td>
<td>Between the southerly side of Littlehill Road and Beaver Dam Creek.</td>
</tr>
<tr>
<td>Glenwood Avenue/Laurel</td>
<td>Between Beaver Dam Road and the most westerly intersection of Middle Avenue/Laurel Drive.</td>
</tr>
<tr>
<td>Hall Street</td>
<td>Between Herbertsville Road and the southerly side of River Road.</td>
</tr>
<tr>
<td>Harbor Drive</td>
<td>Between Dorsett Dock Road and Beaver Dam Road.</td>
</tr>
<tr>
<td>Hollywood Boulevard</td>
<td>Entire Length.</td>
</tr>
</tbody>
</table>
Jackson Street Between Burnt Tavern Road and Partridge Run.

Kickapoo Avenue From Bridge Avenue to Comanche Drive.

Littlehill Road Between Northstream Parkway and Dorsett Dock Road.

Mattapan Avenue From Bridge Avenue to Comanche Drive.

Maxson Avenue Between Herbertsville Road and the southerly side of River Road.

Miller Road Between Beaver Dam Road and Laura Herbert Drive.

Mistletoe Avenue-Summit Drive Between Riverwood Avenue and Herbertsville Road.

Northstream Parkway Between Bridge Avenue and its southerly terminus.

Northstream Parkway Between New Jersey Route 88 and Bridge Avenue.

Nowata Avenue From Mossbank Road to Comanche Drive.

Oriole Way Between Harbor Drive and Beaver Dam Road.

Partridge Run Between Bay Avenue and Wood Wild Drive.

Patterson Road Entire Length.

River Avenue Between Littlehill Road and Bridge Avenue.

Riverwood Avenue Between Herbertsville Road and Bridge Avenue.

Riviera Parkway Between Beaver Dam Road and Marine Parkway.

School Street From northerly terminus to its intersection with Moore Avenue.

Smith Drive and Eisenhower Drive From Adelaide Road to the most northern Brick Township Corporate line.

South Street Between Burnt Tavern Road and Jackson Street.

Sylvan Drive Between High Meadow Drive and Dorsett Dock Road.

Treeneedle Road Between Bridge Avenue and Littlehill Road.

Wood Wild Drive Between Jackson Street and Hulse Road.

**SCHEDULE X**

**STOP INTERSECTIONS**

In accordance with the provisions of subsection 7-6.2, the following intersections are hereby designated as Stop Intersections.

*Adelaide Road and Smith Drive*

STOP signs shall be installed on Smith Drive.

*Anderson Place and Hastings Lane*

STOP sign shall be installed on Hastings Lane.
Beach Boulevard and Rue Lafayette
STOP sign shall be installed on Rue Lafayette.

Beach Boulevard and Rue Mirador
STOP signs shall be installed on Rue Mirador.

Beach Boulevard and Rue Rivoli
STOP signs shall be installed on Rue Rivoli.

Blaze Drive and Boat Landing Road
STOP sign on Boat Landing Road.

Chicopee Avenue and Chicopee Place
STOP signs shall be installed on Chicopee Place.

Church Road and Summit Road
STOP sign shall be installed on Church Road.

Dellwood Road at Pineneedle Road (easterly intersection)
STOP sign shall be installed on Pineneedle Road facing eastbound traffic.

Frances Drive and Laura Herbert Drive
STOP sign shall be installed on Frances Drive.

Howe Street and Walter Stout Lane
STOP signs shall be installed on Walter Stout Lane.

Hyacinth Place and Comanche Drive
STOP signs shall be installed on Comanche Drive.

Johnson Avenue and Catherine Street
STOP signs shall be installed on Catherine Street.

Laura Herbert Drive and Panther Path
STOP signs shall be installed on Panther Path.

Laura Herbert Drive and Whitten Drive
STOP signs shall be installed on Whitten Drive.

Lincoln Avenue and River Oaks Lane
STOP signs shall be installed on River Oaks Lane.

Lincoln Avenue and Stone Hedge Lane
STOP signs shall be installed on Stone Hedge Lane.

Littlehill Road and Treeneedle Road
STOP signs shall be installed on Treeneedle Road for southbound traffic only.

Marine Parkway and Riviera Parkway
STOP signs shall be installed on Riviera Parkway for southeasterly traffic only.

Middle Avenue and Center Street
STOP signs shall be installed on Center Street.

Middle Avenue and Laguna Drive
STOP sign shall be installed on Laguna Drive.

Moore Avenue and Barton Avenue
STOP signs shall be installed on Barton Avenue.

Moore Avenue and Dwight Avenue
STOP signs shall be installed on Dwight Avenue.

Moore Avenue and Moore Avenue
STOP sign shall be installed at 90 degree westbound turn, on southeast corner in front of Block 172, Lot 27.

**Moore Avenue and School Street**  
STOP signs shall be installed on School Street.

**Mossbank Road and Nowata Avenue**  
STOP signs shall be installed on Nowata Avenue.

**Nowata Avenue and Chicopee Avenue**  
STOP signs shall be installed on Chicopee Avenue.

**Oak Terrace and Fairview Drive**  
STOP signs shall be installed on Fairview Drive.

**Partridge Run and Jackson Street**  
STOP signs shall be installed on Jackson Street.

**Philadelphia Avenue and Benedict Street**  
STOP sign shall be installed on Benedict Street.

**Philadelphia Avenue and Oakland Street**  
STOP sign shall be installed on Oakland Street.

**Pine Bluff Avenue and Bradford Drive**  
STOP signs shall be installed on Bradford Drive for south-bound traffic only.

**Pine needle Road at Dellwood Road (westerly intersection)**  
STOP sign shall be installed on Dellwood Road facing westbound traffic.

**Pulaski Drive and Old Drift Road**  
STOP signs shall be installed on Old Drift Road.

**Pulaski Drive and Rear Lane**  
STOP signs shall be installed on Rear Lane.

**Rear Lane and Panther Path**  
STOP signs shall be installed on Rear Lane.

**Roberts Place and Edgar Road**  
STOP signs shall be installed on Roberts Place.

**Roberts Road and Edgar Road**  
STOP signs shall be installed on Roberts Road.

**Rue Lido and Beach Boulevard**  
STOP signs shall be installed on Beach Boulevard.

**Rue Mirador and Bay Isle Drive**  
STOP sign shall be installed on Bay Isle Drive.

**Rue Rivoli and Barnegat Boulevard**  
STOP signs shall be installed on Barnegat Boulevard.

**School Street and Whitten Drive**  
STOP signs shall be installed on Whitten Drive.

**Smith Drive and Eisenhower Drive**  
STOP sign shall be installed on Eisenhower Drive.

**Susan Lane and Barnegat Bay Boulevard**  
STOP signs shall be installed on Barnegat Bay Boulevard for westbound traffic only.

**Treeneedle Road and Nowata Avenue**
STOP signs shall be installed on Nowata Avenue.

Walter Stout Lane and Howe Street
STOP signs shall be installed on Howe Street.

SCHEDULE XI
YIELD INTERSECTIONS

In accordance with the provisions of subsection 7-6.3, the following intersections are designated as Yield Intersections. YIELD RIGHT OF WAY signs shall be installed.

Laurel Drive and Middle Avenue (Westerly intersection facing Westbound Traffic)
YIELD RIGHT OF WAY sign shall be installed on Laurel Drive.

Bradford Drive and Lockhart Lane
YIELD RIGHT OF WAY sign shall be installed on Lockhart Lane.

SCHEDULE XII
LOADING ZONES

In accordance with the provisions of section 7-7, the following described locations are hereby designated as Loading Zones.
RESERVED

SCHEDULE XIII
TAXI STANDS

In accordance with the provisions of section 7-8, the following described locations are hereby designated as Taxi Stands.
RESERVED

SCHEDULE XIV
BUS STOPS

In accordance with the provisions of section 7-9, the following described locations are hereby designated as Bus Stops.

a. Along Route 88 eastbound on the southerly side thereof at:
   1. Bridge Avenue - Far Side
Beginning at the easterly curbline of Bridge Avenue and extending 100 feet easterly therefrom.

2. Curtis Avenue - Near Side
   Beginning at the westerly curbline of Curtis Avenue and extending 105 feet westerly therefrom.

3. Maplewood Avenue - Far Side
   Beginning at the easterly curbline of Maplewood Avenue and extending 100 feet easterly therefrom.

b. Along Route 88 westbound on the northerly side thereof at:
   1. Maxson Avenue - Near Side
      Beginning at the easterly curbline of Maxson Avenue and extending 105 feet easterly therefrom.
   
   2. Curtis Avenue - Far Side
      Beginning at the westerly curbline of Curtis Avenue and extending 100 feet westerly therefrom.
   
   3. Mistletoe Avenue - Near Side
      Beginning at the easterly curbline of Mistletoe Avenue and extending 105 feet easterly therefrom.

c. Along Arnold Avenue northbound on the easterly side thereof at:
   1. Front Street - Far Side
      Beginning at the northerly curbline of Front Street and extending 10 feet northerly therefrom.
   
   2. Pinebluff Avenue - Near Side
      Beginning at the southerly curbline of Pinebluff Avenue and extending 105 feet southerly therefrom.
   
   3. Trenton Avenue - Mid Block
      Beginning 120 feet north of the northerly curbline of Trenton Avenue and extending 105 feet northerly therefrom.

d. Along Arnold Avenue southbound on the westerly side thereof at:
   1. Trenton Avenue - Mid Block
      Beginning 100 feet north of the northerly curbline of Trenton Avenue and extending 100 feet northerly therefrom.
   
   2. Pinebluff Avenue - Near Side
      Beginning at the northerly curbline of Pinebluff Avenue and extending 105 feet northerly therefrom.
   
   3. Front Street - Near Side
      Beginning at the northerly curbline of Front Street and extending 105 feet northerly therefrom.

SCHEDULE XV

NO LEFT TURN
In accordance with the provisions of subsection 7-10.1, no person shall make a left turn at any of the following described locations.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Direction</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bradford Drive</td>
<td>South</td>
<td>At the intersection of Lakewood Road and Ocean Road (Route 88)</td>
</tr>
<tr>
<td>N.J. State Highway</td>
<td>North</td>
<td>At the intersection of Highway 88 and Oakland Street.</td>
</tr>
<tr>
<td>88</td>
<td>North</td>
<td>At the intersection of Highway 88 and Benedict Street.</td>
</tr>
<tr>
<td>Post Office Exit Aisle</td>
<td>East</td>
<td>At the intersection of the Post Office Exit Aisle and Bridge Avenue.</td>
</tr>
</tbody>
</table>

SCHEDULE XVI

NO U-TURN

In accordance with the provisions of subsection 7-10.2, no person shall make a U-Turn at any of the following described locations.

RESERVED

SCHEDULE XVII

NO TURNS

In accordance with the provisions of subsection 7-10.3, no person shall make a turn at any of the following described streets or parts of streets.

RESERVED

SCHEDULE XVIII

SPEED LIMITS
In accordance with the provisions of Section 7-11, the following described streets or parts of streets shall have the following speed limits thereon in the direction indicated.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Speed Limit</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barnegat Boulevard</td>
<td>25</td>
<td>From Susan Lane to its easterly extremity.</td>
</tr>
<tr>
<td>Bay Boulevard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Avenue</td>
<td>25</td>
<td>From Bridge Avenue South to its Southerly extremity.</td>
</tr>
<tr>
<td>Clayton Drift Way</td>
<td>15</td>
<td>From the intersection of Maple Avenue to the intersection of Rue Avenue.</td>
</tr>
</tbody>
</table>

**SCHEDULE XIX**

**NO PASSING ZONES**

In accordance with the provisions of Section 7-12, no person shall pass along the following described streets or parts of streets designated as no passing zones.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Direction</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Avenue</td>
<td>Both</td>
<td>Entire Length.</td>
</tr>
</tbody>
</table>

**SCHEDULE XX**

**TRAFFIC CONTROL SIGNALS**

In accordance with the provisions of subsection 7-13.1, traffic signals shall be installed on the following described streets or parts of streets.

RESERVED
CHAPTER VIII
BUILDING AND HOUSING*

8-1 STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY.

8-1.1 Department of Inspections Established.

a. There is hereby established in the Borough of Point Pleasant, a State Uniform Construction Code Enforcing Agency to be known as the Department of Inspections, consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the Enforcing Agency.

b. Each official position created in paragraph a. hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, C. 217, as amended, and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one (1) such official position may be held by the same person, provided that such person is qualified pursuant to P.L. 1975, c. 217, and N.J.A.C. 5:23 to hold each such position.

c. The public shall have the right to do business with the Enforcing Agency at one office location, except in cases of emergencies and unforeseen or unavoidable circumstances.

(Ord. #550, S 24A-1)

8-1.2 Fees.

a. Fees for construction permits shall be as follows:

1. The building subcode fees shall be as follows:

   (a) For new construction: All fees shall be based on the volume of the structure and volume computations shall be made pursuant to N.J.A.C. 5:23-2.28. Use groups and types of construction are to be classified and defined as established in Articles 3 and 4 of the Building Subcode.

      (1) New residential construction, alteration, or renovation:

          Per cubic foot of volume ..... $00.019
          Minimum fee.................... $35.00
          Prototype: Certificate of occupancy...... $25.00

*Editor's Note: See subsection 2-19.4 of this Code for provisions for an All Code Agreement regulating all types of Construction Code inspections.
(2) New construction, all other use groups: Per cubic foot of volume:

(i) Use groups A-1, A-2, A-3, A-4, F, S-1 ....................... $00.014

(ii) Structures on farms used exclusively for the storage of food or grain, or the sheltering of livestock ............... $00.007
Maximum fee for (ii) .................. $500.00

(iii) All others ................... $00.009 Minimum fee
for (ii) ............................ $25.00
Minimum fee for all others ............... $60.00

(b) Modular and pre-manufactured buildings and moving houses:
Basic unit set on footing and foundation ......................... $75.00

(c) Renovations, alterations and repairs, etc:
Fee based on the estimated cost of work
$1 to $50,000 ................. (per thousand) $18.00
$50,001 to 10,000 .......... (per thousand)
Add $9.00
Over $100,000 ............. (per thousand)
Add $7.00
Minimum Fee ............... $35.00

(d) Fences:
Per linear foot ................. $00.10
Minimum fee ................ $20.00

(e) Open decks:
Fee based on the estimated cost
of work ......................... $18.00 per $1,000.00
Minimum fee ................ $35.00

(f) Sheds:
Under 100 square feet ....... $20.00
Over 100 square feet ........ $35.00

(g) Fireplace and masonry chimney:
...................................... $50.00

(h) Woodburning stoves and chimney:
...................................... $50.00

(i) Bulkheads, docks, wharves, piers:
Per linear foot ................. $00.65
Minimum fee ................ $60.00

(j) Demolition:
Structures less than 5,000 square feet and 30 feet high or less ...... $45.00
One or two family dwellings or farm
structures .................... $45.00
Together with cash bond .... $1,000.00
All other structures ........
$75.00 together with $1,000.00 cash bond
posted with the Borough to ensure removal
of debris and to protect against damage.

(k) Signs:
Per square foot surface area, one side only
for double-faced signs ........ $00.50
Minimum Fee ............... $20.00

(l) Swimming pools:
Above ground ................ $50.00
In ground ..................... $100.00
Public/commercial .......... $200.00
In addition, a fee of $15.00 for all type pools
shall be charged for certificate of final approval.

(m) Elevators, Escalators, and Dumbwaiters:
Commercial:
Elevators, Escalators, each .... $150.00
Dumbwaiters, each ........... $50.00
Periodic Inspection, each .... $125.00

(n) Elevators and Dumbwaiters, One and
Two Family Dwellings:
Elevators ..................... $75.00
Dumbwaiters ................ $35.00

(o) Tanks:
Installation, each (Review) .. $40.00
Removal ...................... $50.00

(p) Temporary structures/other structures
that volume cannot be computed:
Each ......................... $50.00
Certificate of occupancy inspection
fee ......................... $25.00

(q) Fire permits:
When fire review or inspection
required ..................... $25.00
All other permits required by BOCA in
which specific provision is not otherwise
provided herein ................ $35.00

2. Other fees.
   (a) There are hereby established the following construction and
       subcode fees:
       (1) Electrical subcode fees.
           Minimum Electrical Subcode Fee shall be $35.00.
           Electrical fixtures and devices:
           The fees shall be as follows:
A. For from one to 25 receptacles or fixtures, the fee shall be in the amount of $35.00; for each 25 receptacles or fixtures in addition to this, the fee shall be in the amount of $5.00; for the purpose of computing this fee, receptacles or fixtures shall include lighting outlets, wall switches, electric discharge fixtures, convenience receptacles or similar fixtures, and motors or devices of less than one horsepower or one kilowatt, burglar, fire and communication devices, etc.

B. For each motor or electrical device greater than or equal to one horsepower or kW and less than or equal to 10 horsepower or kW; and for transformers and generators greater than or equal to 1 kW and less than or equal to 10 kW, the fee shall be $9.00.

C. For each motor or electrical device greater than 10 horsepower or kW and less than or equal to 50 horsepower or kW; for each service panel, service entrance or sub panel less than or equal to 225 amperes; and for all transformers and generators greater than 10 kW and less than or equal to 45 kW, the fee shall be $40.00.

D. For each motor or electrical device greater than 50 horsepower or kW and less than or equal to 100 horsepower or kW; for each service panel, service entrance or sub panel greater than 225 amperes and less than or equal to 600 amperes; and for transformers and generators greater than 45 kW and less than or equal to 112.5 kW, the fee shall be $100.00.

E. For each motor or electrical device greater than 100 horsepower or kW and less than or equal to 1,000 horsepower or kW; for each service panel, service entrance or sub panel greater than 600 amperes and less than or equal to 1,000 amperes, the fee shall be $200.00.

F. For each motor or electrical device greater than 1,000 horsepower or kW; for each service panel, service entrance or sub panel greater than 1,000 amperes; and for each transformer or generator greater than 112.5 kilowatts, the fee shall be $450.00.

G. For the purpose of computing fees B thru F, all motors and devices including plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.

(2) Fire protection subcode fees.
Minimum fire protection subcode fee shall be $35.00.
Fire protection and other hazardous equipment: sprinklers, standpipes, detectors (smoke and heat) pre-engineered
suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums:

A. The fee for 20 or fewer heads shall be $65.00; for 21 to and including 100 heads, the fee shall be $120.00; for 101 to and including 200 heads, the fee shall be $229.00; for 201 to and including 400 heads, the fee shall be $594.00; for 401 to and including 1,000 heads, the fee shall be $822.00; for over 1,000 heads, the fee shall be $1,050.00.

B. For from 1 to 12 detectors, the fee shall be $35.00; for each 25 detectors in addition to this, the fee shall be $10.00.

C. The fee for each standpipe shall be $229.00.

D. The fee for each independent pre-engineered system shall be $92.00.

E. The fee for each gas or oil-fired appliance which is not connected to the plumbing system shall be $46.00.

F. The fee for each kitchen exhaust system (commercial) shall be $46.00.

G. The fee for each incinerator shall be $365.00.

H. The fee for each crematorium shall be $365.00.

(3) Plumbing subcode fees.

Minimum plumbing subcode fee shall be $35.00.

Plumbing fixtures and equipment:

The fees shall be as follows:

A. Per fixture, piece of equipment, vent or appliance connected to the plumbing system, and for each appliance connected to the gas or oil piping system, except as listed in B below $8.00.

B. Per special device for the following: grease traps, oil separators, water-cooled air conditioning units, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), gas or fuel oil piping, sewer pumps, and interceptors $50.00.

(4) Fees applicable to paragraphs 2(a)(1), (2) and (3).

A. The fee for elevator devices where applicable shall be in accordance with N.J.A.C. 5:23-12.6.

B. For cross connections and backflow preventers that are subject to testing and require reinspection, the fee shall be $40.00 for each device when they are tested.
(b) Plan review fee: For the purposes of N.J.A.C. 5:23-4.18(b),(i) and (j), the plan review fee shall be twenty (20%) percent of this schedule of fees. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.

(c) The fee for a permit for the removal of a building or structure from one (1) lot to another or to a new location on the same lot is five ($5.00) dollars per one thousand ($1,000.00) dollars of the sum of the estimated costs for moving, for new foundation and for placement in a completed condition in the new location, provided that the minimum fee shall be twenty ($20.00) dollars, including a certificate of completion. Also provided that a one thousand ($1,000.00) dollar bond shall be posted with the Borough to ensure the removal of all debris and to protect against damage.

(d) Certificates of Occupancy:
   (1) Certificate of occupancy
       Use groups R-3 and R-4, per unit $25.00
       Use groups R-1 and R-2, per unit $25.00
       All other use groups, basis building excluding individual
       Tenant occupancies-10 percent of building schedule fee
       Minimum fee ......................... $50.00
       Individual tenant occupancies, per unit ......................... $50.00
   (2) Continued use certificate
       Residential use groups, per unit $25.00
   (3) Change of use
       Each unit ......................... $75.00
   (4) Certificate of approval
       Each unit ......................... $25.00
   (5) Reinstatement of lapsed permit
       Each ......................... Minimum $75.00

3. Reports.
   (a) The Construction Official shall with the advice of the subcode officials, prepare and submit to the Borough Council of the Borough, biannually, a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the Borough fairly attributable to the enforcement of the State Uniform Construction Code Act.
   (b) In order to provide for training, certification and technical support programs required by the State Uniform Construction Code Act and the regulations, the Enforcing Agency shall collect, in addition to the fees specified above, a surcharge fee of $0.0016 per cubic foot of volume of new construction. The surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending September 30, December 31, March 31 and June 30, and not later than one (1) month next succeeding the end of the quarter for which it is due. In the fiscal year in which the
regulations first become effective, the fee shall be collected and remitted for the third and fourth quarters only.

(c) The Enforcing Agency shall report to the Bureau of Housing Inspection annually, at the end of each fiscal year and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, the report shall be for the third and fourth quarters only.

(Ord. #550, S 24A-3; Ord. #558, S 24A-3; Ord. #688, S 1; Ord. #694, S 1; Ord. #798, S 3; Ord. #90-19, SS 1, 2; Ord. #91-31, S 1; Ord. #91-36, S 1; Ord. #92-53, S 1; Ord. #93-21, S 1; Ord. #97-17, S 1)

8-1.3 Reserved.

8-1.4 Builder’s Responsibility–Construction Debris. All builders undertaking construction projects in the Borough of Point Pleasant shall, as a prerequisite to the Construction Official's final inspection of the building in question, supply to the Borough Construction Official verified written documentation that debris resulting from said construction has been properly disposed of with the location and method of said disposal being made known therein. (Ord. #92-60, S 1)

8-2 DANGEROUS STRUCTURES.

8-2.1 Complaint of Violation; Notice to Owner; Hearing. Whenever it shall be made to appear to the satisfaction of the Zoning and Code Enforcement Officer that there exists in the Borough any building, wall or structure which is or may become dangerous to life or health, or which might tend to extend a conflagration, the Zoning and Enforcement Officer shall prepare to abate same in accordance with Section 2-15 of this Code of the Borough of Point Pleasant. (Ord. #368, S 28-1; Ord. #499, S 28-1)

8-3 HOUSING STANDARDS.

8-3.1 Determination of Unfit Dwellings. For the purpose of this Section, the Zoning and Code Enforcement Officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the Borough. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities, dilapidation; disrepair, structural defects or uncleanliness. (Ord. #411, S 55-2; Ord. #501, S 55-2)

8-3.2 Housing Code Adopted by Reference. Pursuant to the provisions of Chapter 21, P.L. 1946 (N.J.S.A. 40:49-5.1), the New Jersey State Housing Code, as approved by the Departments of Health and Conservation and Economic Development and filed in the Secretary of State's office, is hereby accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building for human habitation, occupancy or use. A copy of the New
Jersey State Housing Code is annexed to this Section and three (3) copies of the same have been placed on file in the office of the Borough Clerk and are available to all persons desiring to use and examine the same.

a. Public Water Supply System. It is hereby determined by the Borough Council that the reasonable distance, as defined by the New Jersey State Housing Code, within which a residential, commercial or industrial building located on a public street must connect to the public water supply system is two hundred (200') feet. If the property line of the subject premises is within two hundred (200') feet of the public water supply system a connection conforming with the standards set forth in the Code shall be made thereto. (Ord. #411, S 55-3; Ord. #501, S 55-3; Ord. #91-26, S 1)

8-3.3 Complaint and Notice of Hearing. Whenever a petition is filed with the Zoning and Code Enforcement Officer by a public authority, as defined in N.J.S.A. 40:48-2.4, or by any resident or any elected or appointed official of the Borough, charging that any dwelling is unfit for human habitation, as herein defined, or whenever it appears to the Zoning and Enforcement Officer, on his own motion, that any dwelling is unfit for human habitation, as herein defined, he shall proceed in the manner prescribed by Section 2-15 of this Code of the Borough of Point Pleasant. (Ord. #411, S 55-4; Ord. #501, S 55-4)

8-4 HOUSE NUMBERING.

8-4.1 Method of Designating Street Numbers.

a. Each parcel of real estate abutting or bordering upon the public streets in the Borough shall be numbered.

b. Each parcel shall be known and designated by the number indicated on the current official tax maps of the Borough, adopted and filed in the office of the Tax Assessor.

c. Such maps are hereby adopted as the official maps of the Borough for the purpose of establishing street numbers, and the numbers shown on the maps are hereby established as the proper numbers of such parcels of real estate. (Ord. # 713, S 1)

8-4.2 Owner Required to Install Street Numbers.

a. The owner of every dwelling house, store or other building which now or hereafter fronts upon a public street on which the proper number is not now placed shall cause the proper number to be placed upon such dwelling house, store or other building. All existing buildings must be appropriately numbered within thirty (30) days of the passage of this section.

b. The house number shall be placed within two (2') feet of the door fronting upon said public street with respect to each dwelling house, store or other building. Said numbers must be plainly visible from the abutting curb line and must be at least three (3") inches in height. In the event there is no door which fronts upon a public street, said house numbers shall be placed within two (2') feet of the nearest corner of the dwelling house, store or other building which is closest to the curb line. (Ord. #713, S 2; Ord. # 1998-28, S 1)
8-4.3 Owner Required to Install Street Numbers on New Buildings.

a. The owner of every dwelling house, store or other building that may be erected shall cause the proper number to be placed on such dwelling house, store or other building within thirty (30) days after it has been erected.

b. The house number shall be placed within two (2') feet of the door fronting upon said public street with respect to each dwelling house, store or other building. Said numbers must be plainly visible from the abutting curb line and must be at least two and one-half (2 1/2") inches in height. In the event there is no door which fronts upon a public street, said house numbers shall be placed within two (2') feet of the nearest corner of the dwelling house, store or other building which is closest to the curb line.

(Ord. #713, S 3; Ord. #1998-28, S 1)

8-4.4 Tax Assessor to Allow Inspection of Official Maps.

a. The Tax Assessor shall allow an owner of a parcel of real estate fronting on a public street to inspect the official maps to enable the owner to ascertain the correct number.

b. At all proper times, the official maps shall be open to public inspection at the office of the Tax Assessor.

(Ord. #713, S 4)

8-4.5 Petition for Renumbering.

a. If the owner of any lot shall desire to renumber such lot he shall apply to the Tax Assessor by petition.

b. The petition shall be accompanied by a properly prepared map showing the changes desired, and clearly showing how the numbers for the entire block would stand if such renumbering is ordered.

c. The applicant shall present with his petition proof by affidavit that a copy of the petition, together with notice of his intention to apply to the Tax Assessor has been served upon all of the owners of property fronting on the block or published in all the official papers of the Borough at least ten (10) days prior to the date of presentation of the petition.

d. The Tax Assessor by written direction may order the block to be renumbered in a manner specified in such application or in any manner that he may deem best.

e. Petitioners who are dissatisfied with the Tax Assessor's decision may appeal it to the Mayor and Council for final decision.

f. If the Tax Assessor orders a change in the numbering of the block, a map duly authenticated shall be filed in his office, where such maps are filed as required by law, showing the changes as made. Upon the map being so filed, the numbers designated thereon shall, as to the block in question supersede those numbers on the original maps referred to in this Section.

(Ord. #713, S 5)

8-4.6 Enforcement. This Section shall be enforced by the Zoning and Enforcement Officer utilizing the enforcement procedures outlined in Chapter II, Section 2-15. (Ord. #713, S 6)
8-4.7 **Violations.** Any person convicted of a violation of this Section shall be liable for a penalty as established in Chapter I, Section 1-5. (Ord. #713, S 7)

8-5 **PROPERTY MAINTENANCE REGULATIONS.**

8-5.1 **Property Maintenance Code.**

a. **Adoption of Code.** The 1996 BOCA National Property Maintenance Code, together with any subsequent amendment, change or supplement thereto, is hereby adopted and incorporated as if fully set out at length herein, save and except such portions as are hereinafter deleted, modified or amended, in and for the Borough of Point Pleasant.

b. **Where Code May Be Examined.** Three (3) copies of the Building Officials and Code Administrators (BOCA) Basic Property Maintenance Code have been placed on file in the office of the Borough Clerk and will remain on file there for the use and examination of the public. Copies shall be available for purchase at a cost determined by resolution of the Governing Body of the Borough.

c. **Changes, Additions and Exceptions.** The changes, additions and exceptions effective in this Municipality to said code are as follows (section references hereinafter set forth are to sections as set forth in said code):

1. Section PM-101.1 (page 1, second line: Borough of Point Pleasant).
2. Section PM-105.0 (Duties and Powers of Code Official).
3. The following subsection PM-105-12 is added:

   Reinspection-Change of Occupancy. All buildings and structures, and units thereof, that are leased or rented in the Borough of Point Pleasant and subject to the provisions of this Code shall be inspected by the Zoning and Code Enforcement Officer or his representative on every initial occupancy or change of occupancy after the effective date of this ordinance, but there shall not be more than one (1) such inspection of each leased or rented unit in any calendar year. Upon making such inspection and determining that this Code has been complied with, the Zoning and Code Enforcement Officer shall issue a certificate indicating the date and fact that such buildings or structures, or units thereof, are in full compliance, as indicated by the completed inspection.

   The owner of the inspected property shall be responsible for notifying, in writing, the Zoning and Code Enforcement Officer in order that an inspection or reinspection may be made before an initial occupancy or before any actual change of occupancy after the effective date of this ordinance.

   The owner of the inspected property shall be responsible for the correction of violations of this Code as indicated in a written notification by the Zoning and Code Enforcement Officer or his representative to the owner.

   Upon the correction of the violations, the owner of the inspected property shall notify, in writing, the Zoning and Code Enforcement Officer, in order that a reinspection, for the purpose of requiring
correction of the earlier violations, may be made. This procedure shall be followed and repeated until all violations have been corrected.

The owner of the inspected property shall be charged a fee of twenty-five ($25.00) dollars, for the initial inspection and the issuance of the aforesaid certificate, for each separate leased or rented unit inspected for the aforesaid purposes. A fee of twenty-five ($25.00) dollars for each separate leased or rented unit reinspected shall be charged the owner for each reinspection that may be required. The aforesaid fees shall be paid to the Borough of Point Pleasant prior to the aforesaid inspection or reinspection(s).

A copy of the aforesaid certificate shall be posted by the owner of the inspected property in each separate leased or rented unit inspected, prior to an initial occupancy or actual change of occupancy of the particular unit inspected, after the effective date of this ordinance.

4. The following amendments are hereby made to the respective portions of the BOCA National Property Maintenance Code.

(a) Section PM 105.1. General, is amended by the substitution of the following for the first sentence thereof:

Inspection of premises and issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the Zoning and Code Enforcement Officer.

(b) Section PM 106.2. Penalty, is amended to read as follows:

PM 106.2. Penalty for violations: Any person, firm, corporation or other entity who shall violate or cause to be violated any provision of this code shall be subject to a fine of not less than three hundred ($300.00) dollars nor more than one thousand ($1,000.00) dollars or imprisonment for not more than ninety (90) days, or both. Each day that a violation continues after due notice has been served may be deemed a separate offense and/or a continuing violation.

(c) Section PM 111.0. Means of Appeal, is deleted in its entirety.

(d) Section PM 109.5 is amended to read as follows:

Section PM 109.5. Abatement of nuisance; lien against the premises:

The Borough, by resolution of the Council may abate a nuisance, correct a defect or put a premises in proper condition so as to comply with the requirements of this chapter or applicable statutes, at the sole cost and expense of the owner or lessor, and the Borough may expend municipal funds for such purposes and charge the same against the premises, and the amount thereof, as determined by the Borough Council shall be a lien against the premises and collectible in the same manner as other municipal liens.

(e) Section PM 109.6 is amended to read as follows:

PM 109.6. Repair, closing, demolition; lien against the premises: The Construction
Official of the Borough of Point Pleasant is designated as the "public officer" for the purpose of exercising the powers of this subsection.

Whenever a petition is filed with a public officer by a public authority or by at least five (5) residents of the municipality charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the public officer, on his own motion, that the building is unfit for human habitation or occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a notice in accordance with PM 107.1 et seq. stating the charge in that respect and containing a notice that a hearing will be held before the public officer, or his designated agent, at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that 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 place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the public officer.

If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

(1) Requiring the repair, alteration and improvement of said building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or have the said building vacated and closed within the times set forth in the order; and

(2) If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the said building within the time specified in the order, then the owner shall be required to remove or demolish the said building within a reasonable time as specified in the said order or removal. A building permit will be required for the demolition of a structure or for structural repairs or alterations.

If the owner fails to comply with an order to repair, alter or remove or, at the option of the owner, to vacate and close the building, and the owner has not sought and obtained a stay by a court of competent jurisdiction, the public officer may cause such building to be repaired, altered or improved, or to be vacated and closed. The public officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy
or use; the use or occupation of this building is prohibited and unlawful."

If the owner fails to comply with an order to remove or demolish the building, and has not sought and obtained a stay by a court of competent jurisdiction, the public officer may cause such building to be removed or demolished or make contract for the removal or demolition thereof after advertisement for, and receipt of bids therefor.

The public officer shall state that the amount of the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken under this section determined in favor of the municipality, and such costs of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building was removed or demolished by a public officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens and a copy thereof shall be forwarded forthwith to the owner by certified mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final judgment of such court; provided, however, that nothing in this section shall be construed or impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. Any owner or party in interest may, within sixty (60) days of the filing of the lien certificate, proceed in a summary manner in the Superior Court solely to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificates.

(f) Section PM 109.7 is added to read as follows:

PM 109.7. Removal of brush, debris, garbage, etc.; lien against the premises: Where it shall be necessary and expedient for the preservation of public health, safety or general welfare, or to eliminate a fire hazard, the Borough Council may require the owner or tenant of land to remove or destroy brush, weeds
including ragweed, dead and dying trees, roots, obnoxious growths, filth, garbage, trash and debris within ten (10) days after notice to remove or destroy the same. Notice shall be made as provided for in PM 107.1 et seq. In cases where the owner or tenant shall have refused or neglected to remove or destroy same in the manner and within the time provided above, the Borough Council may provide for the removal or destruction of the same by or under the direction of a municipal officer. Where the same is removed or destroyed by or under the direction of such municipal officer, such officer shall certify the cost thereof to the Borough Council, who shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against the said land; the amount so charged shall forthwith become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes. Notice of the amount so charged as a lien against the land shall be forwarded to the owner by certified mail. Any owner or party in interest may, within sixty (60) days of the filing of the lien certificate, proceed in a summary manner in the Superior Court solely to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificates.

(g) The applicable dates referred to in Section PM 304.15 of the BOCA National Property Maintenance Code are to be May 15 to October 1.

(h) The applicable dates referred to in Section PM 602.2.1 of the 1996 BOCA National Property Maintenance Code are to be October 1 to May 15.

(i) The applicable dates referred to in Section PM 602.3 of the 1996 BOCA National Property Maintenance Code are to be October 1 to May 15.

(j) The "Code Official" as referred to in the 1996 BOCA National Property Maintenance Code shall be the Construction Official or his designee including but not limited to the Code Enforcement Officer.

(Ord. #92-48, S 2; Ord. #1999-22, SS 1, 2)

8-5.2 Prohibited Acts. It shall be unlawful for any owner or possessor of any land in this Borough to do any of the following things:

a. Permit such land to be covered with or contain brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, manure, trash, refuse or debris, mounds of dirt, or any combination of said items, which would either tend to start a fire, increase the intensity of a fire already started when it reaches the land, cause poisoning or irritation to human beings from the obnoxious growths, or cause or tend to cause an unhealthy or obnoxious condition on the land or adjacent property.

b. Permit such land to be covered with or contain refuse or debris resulting from the construction, demolition or neglect of a building, which refuse or debris has remained on the land for more than thirty (30) days after completion of the construction work or demolition, or after loose boards,
shingles or other materials have fallen off a building, and where such refuse or debris is inimical to the preservation of the public health, safety or general welfare of the people of the Borough, or which refuse or debris may constitute a fire hazard.

c. Permit such land to contain or have an outdoor water closet thereon containing excrement not properly processed to protect human health, not screened or closed sufficiently to exclude flies or not in a clean and sanitary condition, any or all of which conditions are dangerous to public health.

d. Permit such land to have or contain an improper, inefficient, overflowing or nonfunctioning cesspool or septic tank, attached to a dwelling being used for human habitation, which the cesspool or septic tank and contents or residue from same is dangerous to public health.

e. Permit on his land an abandoned, unused or unprotected well, cellar or other unnatural declivity in which stagnant water or debris is retained or which is dangerous to a person, including a child, being or coming upon the land.

f. Permit to be stored or placed on his unenclosed land old lumber, metal, machines or parts of machines, junk, paper, clothes, glass or refuse, or any combination of them, which is either a fire hazard, retains stagnant water, emits foul or obnoxious odor or which is dangerous to a person, including a child, being or coming upon the land.

g. Permit the sidewalk on his land to become broken, uprooted, damaged or otherwise impaired so that same is unsafe for the traveling public, without promptly making the repair or replacement or remedying same in order that such sidewalk is made and kept safe for the traveling public.

h. Permit to be stored or placed on his land any boat, vessel or other marine craft where the board, vessel or other marine craft constitutes a safety or health hazard in the discretion of the Zoning and Code Enforcement Officer.

i. Depositing, maintaining or causing the maintenance or existence of any offensive matter, foul or noxious odors, gases, or vapors which (a) endangers or injures the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

j. Notwithstanding any other provision of the within section or in the Construction Code Ordinance, any individual corporation or other business entity that places a "dumpster" or refuse container upon a property in conjunction with a valid construction permit shall be required to remove said container after a period of six (6) months. If such individual or entity can show a valid reason to extend said time period, they must present the same to the governing body who may either extend it an additional six (6) month period or may require that it be removed as a result of non-use or no construction taking place on a regular basis.

(Ord. #368, S 67-1; Ord. #595, S 1; New; Ord. #90-20, S 1; Ord. #92-48, S 1; Ord. #94-17, S 1)

**8-5.3 Reports of Violations.** Any reports of violations of this section shall be filed with the Zoning and Code Enforcement Officer, in accordance with the
provisions of Chapter II, Section 2-15. (Ord. #368, S 67-2; Ord. #502, S 67-2; Ord. #92-48, S 1)

8-5.4 Cost of Removal. In the event the owner, tenant or person in possession of the lands in question shall refuse or neglect to abate or remedy the condition complained of within the permitted amount of time after receipt of notice, the Code Enforcement Officer or his or her designee shall cause the conditions complained of to be abated and remedied and shall certify the costs thereof to the Mayor and Council, who shall examine the certificate and, if found correct, cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands. Said amount shall be due and owing to the Borough, the same to bear interest at the same rates as taxes, which 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 section. (Ord. #92-58, S 1)

8-6 FENCES.

8-6.1 Purpose. It is the purpose of this section to prevent safety hazards created by fences which obstruct the view of motorists, to protect the public from unsound or improperly maintained fences, to maintain and improve upon the appearance of the community, and to assure that the view of the water and waterways is not unduly restricted by excessive fencing. (Ord. #800, S 2)

8-6.2 Definitions.

Fence shall include any substantially vertical structure, wall or appurtenance, regardless of material composition, including vegetation, whether supported by a foundation, footing, piling, stage or post or self-supporting, which is intended as a barrier to prevent escape or intrusion, to mark a boundary or the proximity thereof, to ensure privacy or to act as a support for vegetation.

Living Fence shall mean any arrangement of trees, plants, bushes or other plantings, whether used as a hedge or other obstruction of vision, and composed of living materials.

Repair or Replacement of Fence shall mean any repair or replacement effecting fifty (50%) percent or more of the lineal feet of a fence.

See-Through Fence shall mean a fence which has at least a two (2") inch spacing between its interior components and for which the composition of the fence does not exceed fifty (50%) percent of its surface area. Said "see-through fence" shall include but not be limited to, chain link, post, rail or picket.

Solid Fence shall mean any fence which is not a see-through fence. (Ord. #800, S 2; Ord. #92-59, S 1)

8-6.3 Applicability of Standards. Fence standards promulgated hereunder shall apply to both new and pre-existing fences.

a. The standards delineated in subsection 8-6.6f of this Section shall be conformed to immediately.
b. Existing fences violating the standards delineated in subsection 8-6.6 shall comply upon the repair or replacement of the fence.  
(Ord. #800, S 2)

8-6.4 Permit Required. No person shall erect or construct any fence within the Borough of Point Pleasant without first obtaining a permit. (Ord. #800, S 2)

8-6.5 Permit Procedures.

a. Applications for a permit to construct a fence shall be made to the Construction Code Official and shall be accompanied by a permit application fee of twenty ($20.00) dollars.

b. A plot plan must be submitted for any fence which is to exceed three (3') feet in height. The plot plan shall include such information as may be required by the Zoning and Code Enforcement Officer.  
(Ord. #800, S 2; Ord. #91-37, S 1)

8-6.6 Standards.

a. Except as otherwise set forth herein, no fence, wall or dividing structure within twenty-five (25') feet of the front property line may exceed three (3') feet as measured perpendicularly from the highest point along the fence, wall or dividing structure, to the height of the grade of the front of the property and adjoining properties.

b. If the property in question borders on a body of water, no fence, wall or dividing structure between the principal structure on the lot and the mean high water line shall exceed four (4') feet in height.

c. In addition to the requirements set forth herein, no fence, wall or dividing structure shall exceed six (6') feet in height in any residential zone, nor eight (8') feet in height in any nonresidential zone.

d. All fences shall be symmetrical in appearance, having post separated by identical distances and fencing conforming to a definite pattern, kept free from peeling paint, and maintained in good appearance and clean condition.

e. The finished side of all fences and walls shall be constructed to face the adjacent property. Any fence or portion thereof that is exposed to the public on both sides shall be constructed with both sides of finished facing.

f. Roadway clearances shall be maintained within eight and one-half (8 1/2') feet of all roadways. In the case of a corner lot, a twenty-five (25') foot sight triangle shall be maintained to be measured from the property lines on both sides. Within these areas, no fence, wall, dividing structure, hedge or other vegetation or other obstruction shall exceed two and one-half (2 1/2') feet on a horizontal plane through the curbline except that shade trees may be located within these areas provided that limbs are trimmed to a distance of at least seven (7') feet above the curbline.

g. See-through fences may be erected to a height not exceeding eight (8') feet on all sides of the property for the protection of business premises provided that the same shall not extend beyond the front wall of a building or any side facing a public street.

h. The following fences and fencing materials are specifically prohibited: Barbed wire fences, canvas, cloth, electrically charged fences, poultry
netting, temporary fences such as snow fences, expandable fences and collapsible fences at any location on the lot upon which a dwelling or structure is situated, except during construction of such property.

i. It shall be the responsibility of each property owner maintaining or erecting a fence rather than the Borough to assure that fences do not encroach on neighboring lines.

j. **Height Measurement.** The measurement of all heights pursuant to the provisions of this Chapter shall mean when measured from the original grade of the property and shall not include the build-up of the grade or addition of a base upon which any such fence is located. Any build-up or addition to the existing grade shall be considered part of the height.

(Ord. #800, S 2; Ord. #1999-23, SS 1, 2)

**8-6.7 Exceptions.**

a. The provisions of this Section shall not apply to the municipal facilities and buildings, public parks and recreation areas, municipal water and sewage treatment facilities, public school property and public utilities if a determination is made by the Borough Engineer that the provisions are not in the interest of public safety, health and welfare.

b. If in the opinion of the Code Enforcement Officer fifty (50%) percent or less of a fence is being repaired and/or replaced, the fence may be installed in the same manner as it presently exists, i.e., the more pleasingly aesthetic side of the fence may be installed on the same side as presently exists.

(Ord. #800, S 2; Ord. #1996-03, S 1)

**8-6.8 Enforcement.** This Section shall be enforced by the Zoning and Code Enforcement Officer utilizing the enforcement procedure outlined in Chapter II, Section 2-15 of this Code. (Ord. #800, S 2)

**8-6.9 Violations.** Any person convicted of a violation of this Section shall be liable for a penalty as established in Chapter I, Section 1-5 of this Code. (Ord. #800, S 2)

**8-6.10 Appeal.** Any person wishing to appeal the decision of the Zoning and Code Enforcement Officer, with regard to either granting a permit allowing for the construction of a fence or denying a permit application seeking approval to construct a fence, shall be given the right to appeal that decision of the Zoning and Code Enforcement Officer to the Zoning Board of Adjustment of the Borough of Point Pleasant. Said appeal shall be made by the aggrieved person pursuant to and in accordance with the requirements set forth in subsection 19-22.7 (Appeals and Application) of the Codified Ordinances of the Borough of Point Pleasant. (Ord. #93-4, S 1)
CHAPTER IX
SIGNS

9-1 PURPOSE.
The following regulations shall apply to the construction and maintenance of signs in the Borough of Point Pleasant. (Ord. #700, S 87A-1; Ord. #737, S 2)

9-2 DEFINITIONS.
As used in this Section:

Billboard shall mean any structure or portion thereof upon which advertisements are used as an outdoor display not serving a business conducted on the same building lot. This definition does not include any signs used to display official court or government notices.

Business shall mean any person, firm, partnership, association, corporation, company, or organization involved in the provisions of any goods or service, whether for profit or not.

Directional Sign shall mean any sign to direct or point to a place or one that points the way to either an unfamiliar or unknown place that obviously could not be easily located without such sign or device. Such signs shall carry no advertising copy describing the activities carried on at such places.

Facing or Surface shall mean the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

Official Sign shall mean any sign erected and maintained by the Federal Government, State of New Jersey, County of Ocean or Borough of Point Pleasant, for the purpose of informing or guiding the public for the protection and promotion of health, safety, convenience and general welfare.

Permanent Sign shall mean any sign permanently affixed to ground or building. Including metal or wood awnings.

Portable Sign shall mean signs constructed to withstand elements, but which are not permanently affixed to ground or building.

Sign shall mean every sign, billboard, ground sign, wall sign, road sign, illuminates sign, sign painted on the exterior surface of a building structure, sign or awning or canopy, projecting sign and shall include any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interest of any person when the same is placed out-of-doors in the view of the general public, or when of a permanent nature and placed within the window of a structure so as to be visible to persons from the outside.

Temporary Sign shall mean any sign that will not stand elements for any extended period of time, including paper signs, cardboard placards, canvass awnings, advertisements painted on windows.

(Ord. #700, S 87A-2)
9-3 PERMIT REQUIRED.

a. Permit. No person shall erect, use or maintain any sign without first obtaining a sign permit therefor from the Zoning and Code Enforcement Officer who shall not issue such permit unless approved by the Construction Official and the sign shall conform to the requirements of this Chapter and any other Borough ordinance not inconsistent herewith. Such permits shall be renewed at the time of the change of the business or its ownership and/or modification of the size or location of such sign.

b. Exceptions.

1. There shall be no sign permit required for any sign which has a total surface area of not more than two (2) square feet and is used exclusively to designate the home of any individual(s) or the office in any building occupied for such purpose by a professional as defined in Chapter XIX, Municipal Land Use Ordinance of the Borough of Point Pleasant.

2. There shall be no permit required for any signs which have a total surface area of not more than six (6) square feet and are used exclusively to advertise for sale or for rent. However, all such signs shall be fully subject to all other requirements of this Chapter.

3. There shall be no permit required for any sign which has a total surface area of not more than two (2) square feet and is used exclusively for the following purposes: no hunting or trespassing; mail and newspaper boxes; public and private schools; churches; service and charitable organizations; public and private hospitals; farm name signs. However, all such signs shall be fully subject to all other requirements of this Chapter. In addition, not more than two (2) such signs shall be allowed on any one (1) lot.

4. There shall be no permit required for any such sign which is recognized commonly as a memorial tablet, nor shall any permit be required where the names of buildings and dates of erection are cut into any masonry surface or other noncombustible material, such as bronze. However, all such signs shall be fully subject to all other requirements of this Chapter.

5. There shall be no permit required for any official sign or for any sign which constitutes a traffic or other municipal sign, legal notice, railroad crossing signs of a temporary nature, emergency sign, as may be erected by governmental or public utility employees in carrying out their official work.

(Ord. #700, § 87A-3; Ord. #737, § 2)

9-4 APPLICATION FOR SIGN PERMITS.

a. Application for sign permits shall be made by the proprietor of the business upon form provided by the Construction Official and shall contain and have attached thereto the following information:

1. Name, home address, telephone number, business address and business telephone number of the applicant.

2. Address of building, structure or lot to or upon which the sign is to be attached or erected.

3. Plot plan of the sign in relation to nearby buildings, structures, sidewalks and stores.
4. A print or drawing of the plans and specifications and methods of construction and attachment to the building, structure or in the ground.

5. Surface area.

6. Written consent of the owner of the building, structure or land to which or in which the sign is to be erected.

7. Any electrical permit required for this sign.

8. Date of store opening, type of business and number of parking spaces.

b. It shall be the duty of the Zoning and Code Enforcement Officer to examine the application and other data regarding the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed structure is in compliance with all of the requirements of this Chapter, he shall then notify the construction Official who shall issue the sign permit along with a metal permit tag to be attached to the sign. The sign permit shall be issued or denied within fifteen (15) days of the date of the application.

(Ord. #700, S87A-5; Ord. #737, S 2)

9-5 FEES.

The fee for a sign permit shall be thirty ($30.00) dollars. The fee for any renewal as specified hereunder shall be five ($5.00) dollars. The Borough of Point Pleasant, its agents, the volunteer First Aid Squad and the Fire Companies are exempt from paying this fee, but shall adhere to all other provisions hereof. (Ord. #700, S 87A-5; Ord. #737, S 2)

9-6 ENFORCEMENT PROCEDURE.

a. Whenever a violation of this Code takes place the Zoning and Code Enforcement Officer shall proceed in accordance with the provisions contained in Chapter II, Section 2-15.

b. Subject to the provisions of subsection c., any sign now or hereafter existing which no longer advertises a business or profession conducting or a product sold shall have the message deleted or shall be taken down and removed within thirty (30) days after closure of the business. Failure to comply with this provision will cause the Zoning and Code Enforcement Officer to authorize the removal of such sign, and any reasonable expense incurred for that purpose shall be paid by the permittee or owner of the premises where such sign is located.

c. Any sign now in existence except those provided for in paragraph d., which violates any of the provisions of this Section, shall be made to conform to all of the provisions hereof, or be removed. Owners of such signs have ninety (90) days after receiving a notice to assure compliance. Sign conditions which represent a threat to public health or safety must be abated immediately upon notice of the Zoning and Code Enforcement Officer.

d. Large permanently installed, internally lighted signs now in existence are exempt from setback requirements, however, upon change of ownership or use, signs must be made to conform to this Section.

(Ord. #700, S 87A-6)

9-7 VIOLATIONS AND PENALTIES.
Any person after issuance of a summons or court order who shall violate, disobey, omit, neglect, or refuse to comply with any provisions of this Section shall be, upon conviction thereof, subject to a penalty as established in Chapter I, Section 1-5. (Ord. #700, S 87A-7)

9-8 REQUIREMENTS FOR ALL DISTRICTS.

a. In any of the Zoning districts of the Borough, the following restrictions and conditions shall apply:

1. No attached sign on the front of a building shall exceed twenty-five (25%) percent of the facing’s square footage.

2. No sign shall be located within or hang-over the lines of any street or sidewalk area or project more than forty-eight (48”) inches from the face of any building.

3. No sign shall contain red, green or amber illumination if it is located in such a way as to be confused with a traffic signal.

4. No sign shall obstruct with the ingress or egress of any building.

5. No sign shall be utilized which is not adequately anchored or secured to withstand the effects of weather and elements upon it. Signs must be able to withstand at least forty (40) pounds per square foot of pressure.

6. Electrical signs must be approved by the Ocean County Electrical Bureau.

7. No sign may be located within eight (8') feet of a primary power line.

8. No sign may be located closer than five (5') feet to any property line adjacent to a street or corner upon which such sign is located unless such sign is attached to a building which is closer than five (5') feet to said property line. One (1') foot setbacks are required for adjoining property lines.

9. No sign shall interfere with radio or television reception.

10. The bottom of no sign shall be lower than eight (8') feet unless that sign is set back at least ten (10') feet.

11. No billboards may be erected or utilized.

12. Sign structure support shall not obstruct view nor may there be writing on such supports.

13. Portable signs shall not exceed twelve (12) square feet in size.

14. Political signs may be erected no earlier than forty-five (45) days prior to an election and must be removed no later than fifteen (15) days after an election.

15. The person or organization distributing political signs shall obtain a sign permit and shall obtain the permission of private property owners before installing signs on private property.

16. Signs shall be maintained in good repair structurally and aesthetically.

(Ord. #700, S 87A-8; Ord. #1999-21, S1)

9-9 ILLUMINATION AND GLARE.

a. All mirrors, incandescent bulbs and immediately adjacent reflecting surfaces must be shielded from view from the public right-of-way and
adjacent dwelling lots. Illumination must be directed onto property on which signs or lighting are located.

b. Illumination of any kind visible from the public right-of-way, such as signs, buildings and display windows, must be erected so that the light intensity does not exceed fifty (50) footcandles on a standard Weston Photolight Source, illuminated surface or display window. Illumination visible on an adjacent dwelling lot may not exceed eight-tenths (0.8) footcandles with the meter reading at any point on the lot line.

(Ord. #700, S 87A-9)

9-10 R-1 RESIDENTIAL DISTRICT.

It shall be unlawful to erect or maintain any sign in any R-1 Residential District in the Borough, except:

a. Official signs.

b. Nameplate sign situated in the property lines and bearing only the name and address of the principal occupant, provided that the sign has a total surface area of not more than one (1) square foot.

c. One (1) temporary sign indicating real property for sale or rent which shall be not larger than six (6) square feet advertising the sale or letting of only the premises on which it is maintained.

d. Not more than two (2) temporary signs on a subdivision consisting of ten (10) or more lots which has been approved by the Borough, provided that each sign does not exceed thirty-two (32) square feet in surface area. In no case is such sign to be located closer than thirty (30') feet to any street line. Temporary subdivision signs will not be permitted after residences have been constructed on seventy-five (75%) percent of the lot in the subdivision or after more than seventy-five (75%) percent of the lots have been sold by the developer.

e. Permitted signs erected and maintained by a religious, public or quasi-public institution, provided that such signs shall not exceed twelve (12) square feet in area and shall be located no closer than ten (10') feet to any street line.

f. Not more than two (2) "No Hunting" or "No Trespassing" signs, each of which has a total surface area of not more than two (2) square feet.

g. Mailboxes or newspaper delivery signs which consist of only name and number lettering for identification purposes upon a mailbox or delivery box. The total surface area of such signs shall not be larger than seventy-two (72) square inches.

h. Political signs.

(Ord. #700, S 87A-10)

9-11 R-1A AND R-2A RESIDENTIAL DISTRICTS.

It shall be unlawful to erect or maintain any sign in any R-1A or R-2A Residential District in the Borough of Point Pleasant, except:

a. Any sign permitted in R-1 Residential District.
b. One (1) sign not larger than two (2) square feet advertising a permitted use or indicating the office of a professional as defined in Chapter XVIII, Land Use. (Ord. #700, S 87A-11; Ord. #92-55, S 2; Ord. #1999-21, S 1)

9-12 R-3 RESIDENTIAL-OFFICE, R-4 HOSPITAL-RESIDENTIAL DISTRICTS, R-4A HOSPITAL SERVICE DISTRICTS AND R-5 RESIDENCE MULTIFAMILY DISTRICTS.

It shall be unlawful to erect or maintain any sign in any R-3, Residential-Office District, R-4 Hospital-Residential District, R-4A Hospital Service Districts or R-5 Residence Multifamily Districts in the Borough, except:

a. Any sign permitted under Section 9-11 of this Section.

b. One (1) sign not larger than six (6) square feet and painted with nonluminous paint on the premises advertising any building for professional services, club or lodge, apartment building, medical clinic, hospital, convalescent center, bank or other financial institution, laboratory or company office, funeral parlor or nursing home. The sale of goods shall not be advertised on the exterior of the buildings. Any other advertisements shall not be visible from any point on the property line.

c. Directional signs, the surfaces of which do not exceed twelve (12) square feet.

d. No flashing or blinking signs are permitted.

e. A sign shall be permitted on the front of any building providing said sign does not exceed a total area of twenty (20) square feet and that the sum total of the area of all the signs on said premises including any sign on the front of a building shall not exceed twenty (20) square feet. (Ord. #700, S 87A-12; Ord. #94-8, S 1)

9-13 CM-COMMERCIAL MULTIFAMILY, GC-GENERAL COMMERCIAL, C-3 COMMERCIAL MULTIFAMILY AND WATERFRONT COMMERCIAL AND MANUFACTURING DISTRICTS.

It shall be unlawful to erect or maintain any sign in any CM-Commercial Multifamily District, GC-General Commercial District, C-3 Commercial Multifamily District, or Waterfront Commercial and Manufacturing District in the Borough, except:

a. Signs whose total area does not exceed twenty (20%) percent of the total floor space of a business. For purposes of measuring footage, double-sided signs shall be measured as if one-sided. Temporary signs on the interior of buildings shall be excluded from measurement providing that they do not exceed fifty (50%) percent of the glass area.

b. Any signs permitted in Section 9-12.

c. Buffer screens shall not be used for attachment of any form of advertising signs, except for directional arrows and the name of the establishment on single signs, not exceeding two (2) square feet in area. (Ord. #700, S 87A-13; Ord. #92-55, SS 3, 4)

9-14 ZONING PROVISIONS.
The setback requirements set forth in the Zoning Subchapter of Chapter XIX, Land Use, shall not be applicable hereto. (Ord. #700, S 87A-14)

9-15 DISMISSAL OF COMPLAINTS.

All pending complaints, proceedings or investigations regarding the former business registration provisions of Chapter 87A of the Code of the Borough of Point Pleasant, 1968, shall be dismissed and terminated. (Ord. #737, S 6)

9-16 APPEAL.

Any person wishing to appeal the decision of the Zoning and Code Enforcement Officer, with regard to either granting a permit allowing for the construction and location of a sign, or denying a permit application seeking approval to construct and install a sign, shall be given the right to appeal that decision of the Zoning and Code Enforcement Officer to the Zoning Board of Adjustment of the Borough of Point Pleasant Borough. Said appeal shall be made by the aggrieved person pursuant to and in accordance with the requirements set forth in subsection 19-22.7 (Appeals and Application) of the Codified Ordinances of the Borough of Point Pleasant Borough. (Ord. #93-12, S 1)
CHAPTER X
SEWER AND WATER

10-1 WATER AND SEWER UTILITY.

10-1.1 Utilities Consolidated. The Water and Sewer Utilities shall be combined and operated as one single Utility entitled "Borough of Point Pleasant Water and Sewer Utility." (Ord. #695, S 1)

10-2 WATER AND SEWER BASIC RATES AND CHARGES.

10-2.1 Payment of Water Charges Required. No person shall use or permit to be used on his premises any water for any purpose, without first having paid a rent for such purposes. In addition, no person shall use or permit to be used on his premises any of the water, contrary to any of the ordinances of the Borough or any of the rules or regulations relating to the use of the water. (Ord. #368, S 105-9)

10-2.2 Rates and Charges Established.

  a. Rates Established. "Water Service Unit" and "Sewer Service Unit," which shall be the basic unit upon which user fees and rates are established, shall mean and be defined, by customer class, as follows:

  1. Class I. Each housing unit, including but not limited to, single-family dwellings, and single housing units in multiple-unit or multiple-purpose buildings or complexes shall be assigned one (1) water and sewer service unit;

  2. Class II. Each room designated for overnight occupancy in, but not limited to, hotels, motels, nursing homes, health-care facilities and hospitals, shall be assigned a water and sewer service unit at a rate of .6 per room.

  3. Class III. Each professional, commercial, industrial or other establishment not otherwise defined above shall be assigned one (1) water and sewer service unit. For water consumption in excess of twenty-five thousand (25,000) gallons quarterly, additional water and sewer service units shall be assigned for the year in which the consumption exceeded twenty-five thousand (25,000) gallons, at the rate of .025 sewer service unit per each three thousand seven hundred fifty (3,750) gallons, or fraction thereof, above the twenty-five thousand (25,000) gallon figure.

  b. Sewer usage shall be billed based upon a yearly rate, with the exception of the industrial cost recovery system charges set forth subsection 10-2.7,* of eighty-four dollars and ninety-six ($84.96) cents per sewer service unit, plus the sum of four dollars and six ($4.06) cents per one thousand (1,000) gallons estimated in the manner set forth herein. The yearly rate "ready to serve" charge of eighty-four dollars and ninety-six ($84.96) cents which is

*Editor's Note: Codified as adopted by Ordinance.
currently billed on a quarterly pro-rata basis, shall be waived for the final three (3) quarters of calendar year 2000.

c. Sewer usage billing shall be minimally on a quarterly basis. Those homeowners who wish to install a second water meter, in order to not be charged for sewage flow based upon water usage which is not intended to be deposited into the sewer (i.e. outside the house gardening, filling of pool, car washing, etc.) may install a second water meter, for the charge as established in subsection 10-4.5 herein. No second tap fee will be required for those homeowners who wish to install a second water meter to monitor water usage which is not deposited into the sewer system, and therefore not part of a sewer charge to the owner. However, the second water meter will be installed by the homeowner, and inspected after an appropriate application is made to the Department of Public Works, in such a manner so that the second water meter will meter only water utilized for outside the home purposes which is not intended to and which does not become deposited into the sewer system. The owner shall be charged a connection fee of twenty-five ($25.00) dollars for the second water meter.

d. Water usage shall be billed based upon a yearly rate of forty-two dollars and twelve ($42.12) cents per water service unit, plus the sum of two dollars and three ($2.03) cents per one thousand (1,000) gallons of water metered. Water usage billing shall be minimally on a quarterly basis, based upon water meter readings taken quarterly. The yearly rate "ready to serve" charge of forty-two dollars and twelve ($42.12) cents per water service unit, which is currently billed on a pro-rata basis, shall be waived for the final three (3) quarters of calendar year 2000.

e. The Point Pleasant Board of Education shall be billed for water and sewer usage as a Class III customer.

f. Credits. One time, non-recurring credits to all existing water and sewer service accounts shall be as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer Service Unit Charge</td>
<td>$10.00</td>
</tr>
<tr>
<td>Water Service Unit Charge</td>
<td>2.00</td>
</tr>
</tbody>
</table>

Class III customers as defined in paragraph a. above shall be entitled to no more than one (1) sewer and one (1) water credit as defined above per establishment.

(Ord. #368, S 105-45; Ord. #369, S 105-45; Ord. #472, S 105-48; Ord. #636, S 3; Ord. #646, S 3-1; Ord. #689, S 5; Ord. #710, S 4; Ord. #762; Ord. #710, S 2; Ord. #726, S 1; Ord. #775, SS 1, 2; Ord. #777, SS 1, 2; Ord. #90-11, SS 1, 2; Ord. #1996-04, SS 1, 2; Ord. #1997-05, S 1; Ord. #1997-06, SS 1, 2; Ord. #1999-11, S 1; Ord. #1999-13, SS 1, 2; Ord. #1999-15, SS 1, 2; Ord. #2000-04, SS 2, 3)

10-2.3 Sewer Charges When Using a Private Water Supply. In the event a user obtains a water supply from a private well, then the user shall install a meter at his own expense, the type and location of which is to be approved by the Borough. In the event that the user fails to install such meter within thirty (30) days after receiving notice, then the user shall pay a sewer charge based upon an estimated water consumption, which estimate shall be conclusive and binding upon the user. (Ord. #636, S 4)
10-2.4 Charges When Meters Are Out of Order. If any meter shall be found to be out of order so that it fails to properly register, the consumer shall be charged for the water supply at the daily average rate as previously shown by the same meter. (Ord. #368, S 105-42; Ord. #591, S 1-3; Ord. #710, S 1)

10-2.5 Time Allowed for Connection to Municipal Water System. All properties presently occupied or suitable for occupancy, or for which a certificate of occupancy shall have been issued, not connected to the Borough water system shall, within ninety (90) days after receiving notice from the Borough, connect to the Borough water system. Refusal to connect to the Borough water system in accordance with this Section shall be deemed a violation of the Chapter, and every day that such refusal continues shall be deemed a separate violation. (Ord. #368, S 105-45; Ord. #369, S 105-45; Ord. #472, S 105-45; Ord. #480, S 105-45; Ord. #689, S 2-3; Ord. #710, S 2; Ord. #726, S 1)

10-2.6 Major Subdivisions to Provide Water Mains in Streets. All new major subdivisions receiving preliminary approval shall provide for water mains in any new streets or streets to be improved where such water mains do not presently exist in accordance with the recommendations of the Borough Engineer. (Ord. #368, S 105-45; Ord. #369, S 105-45; Ord. #472, S 105-45; Ord. #480, S 105-45; Ord. #689, S 2-3; Ord. #710, S 2; Ord. #726, S 1)

10-2.7 Swimming Pools.

a. All pools filled with water through the individual consumer's meter shall only be done during the legal hours for water purposes. (Ord. #368, S 105-48; Ord. #91-41, S 1)

10-2.8 Review Committee.

a. There is hereby established a Sanitary Sewer Charge Review Committee composed of three (3) members of the Borough Council, whose duties it will be to review inquiries of Borough residents to determine whether certain sanitary sewer charges should be imposed upon them inasmuch as sanitary sewer services were purportedly not provided by the Borough, because the water did not flow through the sanitary sewer system which is owned and operated by the Borough. It is not the purpose of the Review Committee however to consider abatement of sewer charges for persons who have beneficial use of the water system for such purposes as filling swimming pools, washing automobiles, lawn sprinklers, etc. Those persons can avoid sanitary sewer charges by installing a second water meter. The Review Committee is to consider abatement of sewer charges only for those ratepayers who have unintentionally utilized water services because of, for example water leaks, freezing pipes, or other similar acts caused by negligence or inadvertence.

b. Upon written request by a Borough sanitary sewer ratepayer the Review Committee will review all documentation submitted including but not limited to invoices, review of previous quarterly billings to determine the average flow on a quarterly basis which had been the history of this ratepayer's experience, reports from various contractors (i.e. plumbers, carpenters, etc.) and consider sworn testimony. The burden of proof to avoid the sanitary sewer charge shall be placed upon the ratepayer.
c. If requested the Tax Collector shall provide input to the Review Committee as to his/her opinion of the request for an abatement of sanitary sewer charges.

d. After review of all evidence and testimony the Review Committee shall provide a written report and recommendation to the Borough Council. The Borough Council shall either accept, reject or modify the recommendation of the Review Committee.

e. Written notification of the decision of the Borough Council shall be provided to the ratepayer within fifteen (15) days of the adoption of the appropriate motion or resolution by the Borough Council.

(Ord. #1998-18, S 3)

10-3 METHOD OF PAYMENT.

a. Annual Charges. Annual charges set forth in Section 10-2 for water and sewage usage shall be billed minimally on a quarterly basis.

b. Quarterly Bills. Quarterly water and sewer bills shall be mailed at least fourteen (14) days prior to the due date for such bills.

c. Interest on Overdue Accounts. Interest rates on overdue water and sewer accounts shall be charged at the rate established annually by the Borough Council. A bill shall be charged interest if it is paid more than ten (10) days beyond the established due date. Interest on overdue accounts shall be charged retroactive to the due date of the bill if same is paid beyond the aforesaid ten (10) day period.

d. Failure to Pay Beyond Ninety (90) Days. Failure to pay billed water and sewer usage charges for a period of ninety (90) days beyond the due date may result in the water service furnished to the delinquent user being shut-off from any house, tenement, building or lot where the same is connected and water shall not again be supplied until the arrearages, with interest and penalties, together with a water shut-off fee of fifteen ($15.00) dollars and a water turn-on fee of fifteen ($15.00) dollars, shall have been fully paid. Water shall not be shut-off unless a delinquent notice is forwarded, by ordinary mail, to the delinquent user at the billing address at least thirty (30) days prior to shut-off.

e. Overdue Charges to Become a Lien. In the event that any water and sewer service rate charges are not paid as hereinabove specified, the overdue charges shall become a lien against the property in question and shall be subject to collection, with interest, costs and penalties, in the same manner as used for the collection of delinquent taxes.

(Ord. #636, S 5; Ord. #669, S 5; Ord. #689, S 6; Ord. #705, S 2; Ord. #710, S 5; Ord. #771, SS 1, 2; Ord. #816, S 1)

10-4 WATER CONNECTIONS.

10-4.1 Application for Water Connections.

a. All applications for introduction of water into any premises or its supply for any purpose must be made in writing, and such applications shall be made at least one (1) day before ground shall be broken or the work
commences; and after the owner of the property to be supplied or his authorized agent shall have signed an application, a permit shall be issued for the required supply, in which permit the date, the name of the owner of the property to be supplied and to whom issued, the location of the property, the size and diameter of proposed ferrule, the purpose of which the water is to be used and the rate to be charged therefor shall be specified, and a list shall be kept of the permits so issued and the name of the person so contracting for a supply of water.

b. Prior to the issuance of a connection permit, the property owner or his authorized agent shall pay to the Borough a separate connection fee for each service unit as defined in Chapter X, subsection 10-2.3 of this Code. The per service unit connection fee shall be two hundred ($200.00) dollars. (Ord. #368, S 105-2; Ord. #723, S 1; Ord. #1997-05, S 2)

10-4.2 Making Connections Without Permit Prohibited. No person shall, without a permit, introduce a ferrule into any public or private pipe or form any connection or communication whatever with the pipes or break ground for that or any other similar purpose, or if any persons shall introduce or use a ferrule or larger diameter, or make any attachment or do anything otherwise than as specified in his permit. (Ord. #368, S 105-4)

10-4.3 Disconnection of Service Pipe Prohibited. No service pipe shall be cut or disconnected ahead of a water meter by any person. (Ord. #368, S 105-7)

10-4.4 Meters; Installation; Out of Order or Incorrect Meters; Discontinued Service.

a. When meters are installed, they shall remain the property of the Borough, and shall be kept in repair by the Borough. Meters shall be placed in locations easily accessible at all times to the agents and employees of the Borough, and shall not be disconnected, moved or disturbed in any manner whatsoever without authority from the Superintendent of Public Works, and no change in the location of any meter, or repairs to the same, shall be undertaken by any person other than a properly authorized employee of the Borough.

b. The owner or occupant of premises where a meter is installed shall not furnish water from his supply pipe to any other person or to any other premises.

c. If, in his opinion, the owner of any premises believes his meter to be incorrect, he may make application to the Department of Public Works to have it tested. The meter will then be removed and tested for accuracy. If found to be correct or running slow, the charge for the test will be fifty ($50.00) dollars. If however the meter is found to be running fast, same will be corrected or replaced at no charge to the owner.

d. When premises are to be unoccupied and water service discontinued for a period of time, the meter is to be removed if it is subject to damage as a result of the discontinuance. Application for such removal must be made to the Department of Public Works at least twenty-four (24) hours in advance. The charge for turning water off and removing the meter will be twenty-five ($25.00) dollars. The charge for turning water on will be twenty-five ($25.00) dollars. The charge for removing and storing the water meter will be fifteen ($15.00) dollars. The charge for either turning water on or off
without removal or replacement of the meter will be twenty-five ($25.00) dollars. Temporary disconnections will not excuse owners from service unit charges. The charge to relocate an ARB box for new siding/fences/shrubs, etc., or installation of a box for the second meter will be twenty-five ($25.00) dollars.

e. The Department of Public Works will shut the water off at the curb and remove and store the meter. Under no circumstances will the Borough be responsible for draining the boilers, washing machines or the system in general. This is the responsibility of the owner.

f. Application for reinstallation shall be given at least twenty-four (24) hours in advance to the Department of Public Works.

g. If any meter or outside register is damaged same shall be repaired or replaced by the Water Department. If the repair or replace of the meter or outside register was necessitated by any reason, other than the act of an employee of the Borough, the owner shall be charged the following fees:

1. Repair of a standard five-eighth (5/8") inch meter - twenty ($20.00) dollar minimum charge.
2. Repair of one (1") inch meter - twenty-five ($25.00) dollar minimum charge.
3. Repair of one and one-half (1 1/2") inch meter - thirty ($30.00) dollar minimum charge.
4. Replacement of outside register - twenty-five ($25.00) dollars.
5. Replace a damaged ARB box - twenty-five ($25.00) dollars.
6. Repair a frozen meter - fifty ($50.00) dollars.

The actual cost of repairing or replacing any meter shall be charged subject to the aforesaid minimum charges.

h. The supply of water to all public buildings and property including, but not limited to, those owned, operated or maintained by the Board of Education, shall be metered. The Superintendent of Public Works shall conduct a yearly survey of water consumption in such public buildings and property and shall recommend to the Borough Council such water conservation measures as he shall deem necessary. Meters shall not, however, be installed for fire hydrants.

i. The supply of water to all new service units shall be metered no later than twenty-four (24) hours after a water tap is made, except that a reasonable extension of time may be granted by the Superintendent of Public Works in extenuating circumstances.

(Ord. #368, S 105-42; Ord. #591, S 1–3; Ord. #710, S 1; Ord. #784, S 1; Ord. #1997-05, SS 3–5)

10-4.5 Cost of Taps and Meters. The fee schedule for the provision of water taps and meters is hereby established as follows:

<table>
<thead>
<tr>
<th>Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taps (including meters):</td>
<td></td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>$350.00</td>
</tr>
<tr>
<td>1&quot; (with 5/8&quot; meter)</td>
<td>425.00</td>
</tr>
<tr>
<td>1&quot; (with 1&quot; meter)</td>
<td>450.00</td>
</tr>
</tbody>
</table>
1 1/2"       665.00
2"           900.00

<table>
<thead>
<tr>
<th>Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meters Only:</td>
<td></td>
</tr>
<tr>
<td>5/8&quot;</td>
<td>$ 85.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>165.00</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>325.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>475.00</td>
</tr>
</tbody>
</table>

The above costs do not include the road opening fee due to the Borough of one hundred ($100.00) dollars for road restorations (Borough roads only). All County and State roads are to be restored by the contractor, and will not be restored by Borough employees.
(Ord. #368, S 105-14; Ord. #457, S 105-14; Ord. #543, S 105-14; Ord. #723, S 2; Ord. #1997-05, S 6)

10-4.6 Miscellaneous Additional Charges. The additional following miscellaneous charges shall apply to the particular situation:

a. Install water meter jacket - twenty-five ($25.00) dollars.

b. Utilize below dash search equipment to trace a customer water use - twenty-five ($25.00) dollars.

c. Check for leaks as a result of high bill complaints - twenty-five ($25.00) dollars.

d. Disconnect water and/or sewer service for demolition (curb or street) - one hundred seventy-five ($175.00) dollars.

e. Water meter reading for closing of title, mortgage refinances, rentals, etc., shall be as follows:
   1. Twenty-five ($25.00) dollars if forty-eight (48) hour notice is given to the Borough.
   2. Fifty ($50.00) dollar fee if less than forty-eight (48) hour notice is given to the Borough.

f. Emergency turn offs (overtime only) - one hundred fifty ($150.00) minimum call-out charge plus twenty-five ($25.00) per hour for each hour over four (4).
(Ord. #1997-05, S 7; Ord. #1999-12, S 1)

10-5 INSPECTIONS.

10-5.1 Inspection of Premises. Any persons authorized by the Department of Public Works shall, at all reasonable hours, have free access to all parts of the premises to which water is supplied, for the purpose of inspection, examination of fixtures, etc. and any person who shall resist or refuse to allow such access shall be subject to a penalty as established in Chapter I, Section 1-5. In addition thereto, the water supply of such person so refusing may be disconnected. (Ord. #368, S 105-8)
10-5.2 Evasions. Should the Department of Public Works have reason to believe that there is actual or probable evasion or disregard for the provision of this Chapter or any rules or regulations relating to the distribution of water in any building, lot of ground or premises into or through which pipes for conducting a supply of water have been laid, it shall and may be lawful for any persons authorized by the Superintendent of the Department of Public Works to enter at all reasonable times into such building, lot of ground or premises for the purpose of examining the pipes or other fixtures to ascertain whether the same are in proper order and repair, and for cutting of all pipes of communication or shutting off the stopcocks or detaching the ferrules where delinquencies occur in the payment of water rents. No person shall oppose or obstruct the aforesaid persons in making such examinations or shall turn on the water or cause the water to be turned on without authority. (Ord. #368, S 105-16)

10-6 SEWER CONNECTIONS.

10-6.1 Definitions. As used in this Section:

**Building** shall mean any building or structure heretofore or hereafter constructed and designed and used for dwelling purposes, be it temporary or permanent, or designed or used for use or occupancy by persons.

**Connection Date** shall mean, when used with respect to a building constructed prior to the date of the initial operation of a sewer available to serve the building, the ninetieth (90th) day next ensuing after the date of initial operation, and when used with respect to a building constructed after the date of initial operation of a sewer available to serve the building, the ninetieth (90th) day after the completion date of construction or date of receipt by the owner of a notice of the availability of sewers, whichever date shall be the earlier point in time.


**Sewer** shall mean any sewer or main designed or used for the collection or disposal of sanitary sewage and located in any public street in the Borough. (Ord. 4/21/76; Ord. 8/19/76, S 87-20)

10-6.2 Connection Required. The owner of every residential, commercial or industrial building located upon any public street in the Borough in which a sewer is now constructed or shall hereafter be constructed shall, prior to the connection date with respect to the building, connect and hook up the sewerage facilities emanating from such building to the sewer. (Ord. 8/9/76, S 87-21)

10-6.3 Responsibility of Property Owner. The responsibility of the making of each connection with the sewer system shall be that of the respective property owners at their own expense. It is likewise the responsibility of each property owner to engage the services of a licensed plumber, as defined herein, to make the connection for the owner of each building and to check all plumbing facilities in and on the premises of the property owner. The connection may also be made by the property owner as set forth in the National Standard Plumbing Code/1975, as adopted by the rules and regulations promulgated under authority of the State
10-6.4 Application for Permit, Connect Fee. Prior to the commencement of any plumbing in the building relating to the sewage hook-up, the plumber or property owner shall complete an application for a permit on a form provided by the Board of Health of the Borough or other agency of the Borough which is so authorized by the Board of Health. Prior to the issuance of such a permit, the property owner or his or her authorized agent shall pay a separate connection fee for each service as defined in subsection 10-2.2 of this Code. The per service unit connection fee shall be seven hundred ($700.00) dollars. (Ord. 8/9/76, S 87-23; Ord. #84-1, S 1; Ord. #1997-05, S 8)

10-6.5 Connection to Comply With Standards and Regulations. Every connection required by this Section shall be made in accordance with the National Plumbing Code/1975, as adopted by the rules and regulations promulgated under authority of the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.). (Ord. 4/21/76, S 87-24; Ord. 8/9/76, S 87-24)

10-6.6 Notification of Available Sewers. Upon being notified that a sewer is available to serve buildings on any property in the Borough, each property owner shall connect each building on the property with the sewer in accordance with the terms of this Section, as notified and directed by the Board of Health of the Borough. (Ord. 8/9/76, S 87-25)

10-6.7 Contents and Service of Notice.

a. Notice to the property owners, with respect to which property an order is issued, pursuant to subsection 10-6.6, shall be given by the Board of Health of the Borough. All notices shall be addressed to the owners of the property as the names of the owners appear in the last tax duplicate of the Borough, shall describe the property by lot and block designation as the same appears on the Tax Map and by street address if a street address exists and shall state that, by order of the Board of Health of the Borough, the owner is required to connect each building on the property with a sewer in accordance with the terms of this Section, on or before the connection date, or any extension thereof, with respect to such building, or if such connection date shall have passed, within thirty (30) days after the service of such notice as hereinafter provided. The notice shall also describe the penalty which may be imposed hereunder for failure to comply with the notice and order in accordance with the terms of this Section.

b. The notice may be served, under the provisions of N.J.S.A. 26:3-31d, on the owner personally or by leaving it at his usual place of abode with a member of his family above the age of eighteen (18) years. The notice may also be served within or without the limits of the Borough by regular, certified or registered mail to the last known post office address of the owners as same appears on the last tax duplicate of the Borough. (Ord. 8/9/76, S 87-26)

10-6.8 Proper Venting and Trapping Required. The property owner shall assume all responsibility for the proper and adequate venting and trapping of his building. (Ord. 8/9/76, S 87-27)
10-6.9 Responsibility for Damage to Public Property. If there is any damage to public property as a result of the connection of a building to a sewer, then it shall be the responsibility of the property owner and contractor to repair, rectify or pay for the damage. (Ord. 8/9/6, S 87-30)

10-6.10 Multiple-Family Dwelling Connections. In a multiple-family dwelling, where one (1) or more sewer lateral connections may be made, the decision as to whether one (1) or more connections shall be made will be made by the Plumbing Subcode Official and the Borough Engineer, which decision shall be final. (Ord. 8/9/76, S 87-31)

10-6.11 Violations and Penalties. Any person violating the provisions of this Section shall be subject to a penalty as established in Chapter I, Section 1-5. (Ord. 8/9/76, S 87-32; New)

10-6.12 Failure to Make Connections. In addition to the aforesaid penalties as set forth in subsection 10-6.11 above, if the owner of any property in the Borough shall fail to make any connection or installation required by this Section within the time prescribed, the Board of Health of the Borough may proceed to make such connection or installation or cause the same to be made and charge and assess the cost thereof against such property. (Ord. 8/9/76, S 87-33)

10-6.13 Extension of Time to Connect With Sewer. If the owner of the property within the Borough has a valid contract with a licensed plumber for the connection of a sewer to his building and it is apparent from the contract that the connection with the sewer cannot be made on or before the connection date as defined herein, then an extension of time within which the connection must be made may be granted by the Board of Health in its discretion for successive periods of thirty (30) days upon the presentment of the contract, and any other evidence, to the Secretary of the Board of Health, who shall have the power to grant such extensions or refer them to the full Board for determination. (Ord. 8/9/76, S 87-34)

10-6.14 Discharge of Swimming Pool Water Into Sewers Prohibited. Water in swimming pools in the Borough shall not be discharged into the sanitary sewer system. (Ord. 4/21/76, S 87-35; Ord. 8/9/76, S 87-35)

10-7 TERMINATION OF SERVICE AND RESTRICTIONS.

10-7.1 Disconnecting Water. Should the Superintendent of the Department of Public Works determine that a violation of the provisions of this Chapter or any rules and regulations relating to the distribution of water in any building, lot or premises into or through which pipes for conducting a supply of water have been laid, it shall be lawful for the Superintendent of the Public Works Department to shut off the water supply to any such premises, building lot or lot of ground where the same is connected. (Ord. #368, S 105-20; Ord. #429, S 105-20)

10-8 ADDITIONAL REGULATIONS.

10-8.1 Change in Rules and Regulations. The Council reserves the right to change the rules and regulations and the rates for the use of water; to make special rates or contracts, in all proper cases; to shut off the water for alterations,
extensions and repairs; to stop and restrict the supply of water whenever it may be found necessary; and to attach meters at any time Council may deem it expedient, and to thereafter charge for the quantity of water measured and used and to make reasonable charges for the use of such meters. The Borough shall not be liable under any circumstances for a deficiency or failure in the supply of water, whether occasioned by the shutting off of water to make repairs or connections, or for any other cause whatsoever. (Ord. #368, S 105-43)

10-8.2 Duties of Property Owners. All persons who may be supplied with water from any of the Borough mains shall keep their own service pipes, and apparatus in good repair and protected from frost and at their own risk and expense, and shall prevent any unnecessary waste of water, and it is expressly stipulated that no claim shall be made against the Borough by reason of the breaking of any service pipe or service cock of other fixtures or from damage arising from shutting off water to repair or alter mains or to make connection with the same. (Ord. #368, S 105-12)

10-8.3 Damage.
a. Injuring or Breaking Water or Sewer System Prohibited. No person shall break, injure, or do any damage whatever to any engine, pump or machinery or to any engine house or other structure, or to any pipe valve, stopcock, fire hydrant or other fixture or appurtenances appertaining to or connected with the waterworks, or shall throw or put stones, earth, filth or any foreign matter or substance whatever into the reservoirs, wells or waterways, or place sticks, stones or other matter in curb boxes or shall dig or break the earth in any of the streets or grounds, for the purpose of disturbing, moving or injuring any pipes, valves or other fixtures or appurtenances or of obstructing the passage of water through the same.
b. Repair of Damage to Mains, Services or Fixtures. Any damage to service pipes, street mains, valves, hydrants or other fixtures or loss by leakage occasioned thereby shall be made good by the person or corporation causing the same.
(Ord. #368, S 105-25; and S 105-37)

10-9 MECHANICAL STANDARDS.

10-9.1 Lead-In Pipes. All lead-in pipes from the water main tap to the curb stop shall be of Type K copper. (Ord. #194; Ord. #368, S 105-19)

10-9.2 Separate Stopcock for Each Property or Service. Whenever two (2) or more separate or distinct buildings or premises are to receive water by means of ranch or subservice pipe supplied by one (1) pipe from the main, each branch must be independently arranged with stopcock and box in the manner to be designated by the Superintendent of Public Works; all stopcocks used upon services shall be of the kind shown as “round water way.” (Ord. #368, S 105-21; New)

10-9.3 Stopcocks and Boxes. Stopcocks, unless otherwise specially permitted, shall be connected with service pipe within the sidewalk at or near the curbline, and shall be enclosed in and protected by an iron box or cover of a design approved by the Superintendent of Public Works. (Ord. #368, S 105-22; New)
10-9.4 Stop-and-Waste Cocks. Every service pipe must be provided with a stop-and waste cock for the use of the consumer, located within the building, easily accessible and beyond damage or frost, and so placed that water can be conveniently shut off and drawn from the pipes. (Ord. #368, S 105-24)

10-9.5 Services to Be Independent. Every property located upon a street, alley or byway through which a water main is laid into which water from the public supply is introduced shall be provided with an independent service pipe from the water main, unless otherwise directed by the Superintendent of Public Works. (Ord. #368, S 105-23; New)

10-10 CONSERVATION OF WATER.

10-10.1 Wasting Water.

a. Prohibited. No person shall permit water to flow unnecessarily from any part of a private pipe or fixture, even to prevent freezing, or shall permit any waste of water on his premises or the premises occupied by him, either within a building or upon any yard, street or alley.

b. Correction of Leaks. Any person authorized by the Superintendent of the Public Works Department to inquire at any dwelling or other place where any unnecessary waste of water proceeds into the cause of the same, and if the waste arises from the want of repair in the pipes or fixtures, and if the owner or occupant of the premises shall neglect or refuse, upon twenty-four (24) hours’ notice being given, to have the necessary repairs made forthwith, the authorized person is hereby authorized and empowered to shut off the water leading to such place or premises. Any person who shall turn on the water before the necessary repairs are made shall be subject to a penalty as established in Chapter I, Section 1-5.

(Ord. #368, S 105-29; S 105-30; New)

10-10.2 Outdoor Water Use. The right of using Borough supplied water through a hose or sprinkler for the watering of lawns, gardens or shrubbery is expressly held subject to the right of the Borough to revoke the right at any time when in its opinion the supply of water is too low to admit of the right to exercise such right. The use of any hose or sprinkler shall be restricted to use on the premises of the taker and shall be used during the following days and hours only:

a. From May 15 to September 15 of the calendar year:
   1. For those premises with a street address of an even number: Between 7:00 a.m. to 9:00 a.m., on even numbered days only.
   2. For those premises with a street address of an odd number: Between 7:00 a.m. to 9:00 a.m., on odd numbered days only.

b. From September 16 to May 14 of the calendar year: No restrictions.

(Ord. #368, S 105-41; Ord. #90-10, SS 1, 2)

10-11 WATER PLANT OPERATOR.

10-11.1 Office Created. There is hereby created the office of Borough Water Plan Operator. (Ord. #368, S 106-2)
10-11.2 Duties. It shall be the duty of the Borough Water Plant Operator to be in direct charge of public water-treatment plants, public sewerage-treatment plants and/or public water-supply systems in the Borough and to undertake other duties as can be assigned. The Borough Water Plant Operator shall be responsible for and supervise the condition, operation and effectiveness of the structures comprising the plants or systems, and shall be responsible for the safeness or quality of the effluence discharged or delivered from the plants or systems. The Borough Water Plant Operator shall be under the direct supervision of the Borough Superintendent. (Ord. #368, S 106-1)

10-12 SEWER REGULATIONS.

The following regulations shall govern the sewerage system within the Borough:

a. No user shall discharge or permit to be discharged into the Point Pleasant Sewerage System:

1. Any stormwater, surface water, groundwater, roof runoff, swimming pool water, subsurface drainage, foundation or basement sump drainage, uncontaminated cooling water, exhaust water or exhaust steam or unpolluted industrial process waters.

2. Oils, tar, grease, combustible gases and liquids, insoluble solids of any kind, or other substances which would impair, impede, affect, interfere with or endanger the sewerage system or any part thereof.

3. Any gasoline, benzene, naptha, paints, lacquers, fuel oil, or other flammable or explosive liquids, solid or gas which by reason of its nature or quality may cause fire or explosion or which, in any way, may be injurious to personnel or the sewerage system.

4. Substances of such a nature as to form noxious or malodorous gases or substances which either singularly or through interaction with other wastes or substances found in wastewater treatment processes create a public nuisance, hazard to life, or prevent entry into any portion of the sewerage system for operational duties, maintenance or repair.

5. Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system such as, but not limited to, ashes, cinders, sand, mud, straw, plastics, wood, paunch manure, hair, fleshings, offal, shavings, metal, glass, rags, feathers, tar, entrails, paper products, etc.

6. Any garbage not properly shredded.

7. Any septic tank or cesspool wastes.

8. Any waters or wastes having an objectionable color which is not removable in the waste water treatment facility.

b. No user shall discharge or permit to be discharged the following described substances, materials, waters or wastes, if it appears likely in the opinion of the Borough such wastes can impair, impede, affect, interfere with or endanger the sewerage system, or interfere with the efficiency of operation. The prohibited substances are:
1. Any liquid or vapor having a temperature higher than one hundred fifty (150°F) degrees Fahrenheit or sixty-five (65°C) degrees Centigrade.

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100 mg/1) milligrams/liter or containing substances which may solidify or become vicious at temperatures between thirty-two (32°F) degrees Fahrenheit and one hundred fifty (150°F) degrees Fahrenheit or zero (0°C) degrees Centigrade and sixty-five (65°C) degrees Centigrade.

3. Wastes containing phenolic compounds over 1.0 ppm, expressed as phenol.

4. Any liquids having a pH exceeding a minimum value of 5.5 or a maximum value of 9.5 or found to be excessively corrosive.

5. Any radioactive substances.

6. Any liquid having a flash point lower than two hundred thirty-five (235°F) degrees Fahrenheit (one hundred thirteen (113°C) degrees Centigrade) as determined by the Tagliabue (Tag.) close cup method.

7. Any waters or wastes with bio-chemical oxygen demand (BOD) in excess of three hundred (300) ppm by weight.

8. Any waters or wastes with a suspended solids content in excess of three hundred (300) ppm, or containing suspended solids of such character or quantity that unusual attention or expense is required to handle or treat such materials.

9. All wastes containing corrosive, toxic or poisonous substances in sufficient quantity to cause injury, damage or hazard to personnel, structures or equipment, or interfere with the sewerage system or any portion of the liquid or solids treatment or handling processes, or that will pass through the treatment facilities in such condition that it will not achieve State, Federal or other existing requirements for the effluent or for the receiving waters. The following chemicals are specifically mentioned: arsenic and arsenicals; cyanides, copper and copper salts; chromium, mercury and mercurials; nickel and nickel compounds; silver and silver compounds; zinc and zinc compounds; toxic dyes (organic or mineral); sulganamides; cresols, alcohols, aldehydes; chlorinated hydrocarbons; chlorine in excess of one hundred (100) ppm; iodine; fluorine; bromine; all strong oxidizing agents such as peroxides, chromates, cichromates, permanga-nates, etc., compounds producing hydrogen sulphide or any other toxic flammable or explosive gases, either upon acidifications, alkalization, reduction or oxidation; strong reducing agents such as nitrates, sulfites, sulphides; strong acids or strong alkalis.

10. Unusual volume of flow or concentration of wastes constituting "slugs" as defined by the Ocean County Sewerage Authority regulations.

11. Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the treated effluent cannot meet the requirement of other agencies having jurisdiction over discharge to the receiving water.
c. In addition, all rules and regulations adopted by the Ocean County Sewerage Authority in reference to its requirements for the acceptance of sewerage flow are hereby established as additional requirements of the Point Pleasant Borough Sewerage System. Copies of the rules and regulations are available for public inspection in the office of the Point Pleasant Borough Clerk.

d. It shall be the responsibility of the property owner to maintain the sewerage system from the point of origin within the property up to and including the connection (commonly referred to as the "FERNCO" connection) hook-up at the area of the property line. All blockages, damage, and/or other disturbance within or made to said section and any repair, replacement or service required to maintain the proper function of the above mentioned section, shall be the sole responsibility of the property owner.

e. During periods of other than normal work hours (overtime), should the Department of Public Works be required to investigate, repair, or service a blockage which is later determined to have been caused by a faulty connection (commonly referred to as the "FERNCO" connection) or any other damage or blockage to the system previously described to be within the responsibility of the property owner, then a service charge shall be levied against the property owner in the amount hereafter specified.

f. Service charges for all work as referenced in Section 10-12e shall be as follows:

1. One hundred fifty ($150.00) dollar minimum call-out charge plus twenty five ($25.00) dollars per hour charge for any time over four (4) hours, presuming that the need for the service rendered by the Department is a result of homeowner negligence or error. If however the blockage is caused by reasons other than actions or failure to take proper actions by the owner, there will be no charge to the owner.

10-13 VIOLATIONS AND PENALTIES.

Any person convicted of a violation of any Section or part of a Section of this Chapter shall be subject to a penalty as established in Chapter I, Section 1-5.

10-14 CONTROL OVER DISCHARGES; PRETREATMENT.

10-14.1 Findings. It is in the public's health, safety, and welfare in the Borough to exclude from the public sewers discharges of oils, greases, and other harmful substances.

10-14.2 Pretreatment. All retail food establishments, catering establishments, commercial food preparation facilities, and meat processing facilities shall maintain their grease traps with treatments of microorganisms.

10-14.3 Maintenance. Where installed, all such grease traps with treatments of microorganisms shall be maintained by the property owner, or his agent, at his expense, in continuously efficient operation at all times.
10-14.4 Standards. The microorganisms shall be of a type approved by the Director of Public Works, and shall be applied in accordance with manufacturers specifications. (Ord. #90-6, S 1)

10-14.5 Violations. Any person convicted of a violation of any Section or any part of this Section 10-14, shall be subject to a penalty as established in Section 1-5. Any violation of this Section or any part of this Section 10-14, shall be of a continuing nature without the requirement of additional summonses being issued. (Ord. #90-6, S 1)

10-15 MISCELLANEOUS SEWER CHARGES.*

a. Locate a curb box/sewer clean out - no charge.

b. Repair/lower/raise curb box - clean out - no charge.

c. Repair sewer blockages (non-overtime) - fifty ($50.00) dollar charge if the problem is caused by the owner. No charge if it is the Borough's responsibility.

(Ord. #1997-05, S 10)

*Editor's Note: Ordinance No. 1997-05 was adopted as Section 10-14. It was renumbered as Section 10-15 to facilitate codification.
CHAPTER XI
RESERVED
CHAPTER XII
STREETS, SIDEWALKS AND SANITATION

12-1 STREET EXCAVATION.

12-1.1 Definitions. As used in this Section:

Applicant shall mean a person making written application to the Superintendent of Public Works for an excavation permit hereunder.

Excavation work shall mean the excavation, removal, replacement, repair, construction or other disturbance of any portion of the public improvements within a public street or drainage right-of-way. These public improvements include, but are not limited to: curb, sidewalk, driveway and driveway aprons, drainage structure and conduits, pavements, base courses, gutters, retaining walls, channels, headwalls, railings, guard rails or any other public improvement existing within the public right-of-way. For the purposes of this Section, that work which is being performed outside of the public right-of-way, but which requires the storage of materials or the operation of equipment within the public right-of-way, in such a manner as may cause damage, will also be deemed excavation work. “Excavation work” shall also include the construction, addition, installation or other improvement of the whole or portions of the improvements within a public street, drainage right-of-way or other public way or public grounds by persons other than those exempted from the provisions of this Section, including privately sponsored construction of curbing, sidewalks, pavement extensions, aprons, drainage or any other portions of the public improvements.

Permittee shall mean any person who has been granted and has in full force and effect an excavation permit issued hereunder.

Street shall mean any street, highway, sidewalk, alley, avenue, public drainage easement or other public way or public right-of-way or public grounds in the Borough, excepting County or State roads or highways.

(Ord. #421; New)

12-1.2 Excavation Permit Required. It shall be unlawful for any person to perform any of the excavation work as defined in subsection 12-1.1 heretofore or dig up, break, excavate, tunnel, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street, any earth or other excavated material, obstructing or tending to interfere with the free use of the street, or dig up, break, excavate or undermine or in any way effect any other public improvement within the public right-of-way as defined in subsection 12-1.1 unless such persons shall first have obtained an excavation permit therefor from the Superintendent of Public Works as herein provided. An excavation permit shall not be issued unless the applicant presents a written statement of compliance with N.J.S.A. 2A:170-69.4 et seq. concerning underground gas pipes.

(Ord. #421; New)

12-1.3 Application for Permit; Contents and Accompanying Date.
a. Application Submitted to Superintendent of Public Works. No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Superintendent of Public Works. The written application shall state the name and address of the applicant, the nature, location and the purpose of the excavation, the proposed dates of commencement and completion of the excavation and other data which may reasonably be required by the Superintendent of Public Works.

b. Submission of Plans. The application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to the excavation and of the proposed excavated surfaces, the location of the excavation work, and such other information as may be prescribed by the Superintendent of Public Works including the complete plan, profile and details of any proposed curb, sidewalk, pavements or other proposed improvements.

(Ord. #421; New)

12-1.4 Excavation Permit Fees: Waiver.

a. Permit Fee for Issuance of Excavation Permit. A permit fee shall be charged by the Borough for the issuance of an excavation permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work. The excavation fee shall be one hundred ($100.00) dollars.

b. Waiver of Permit Fees. Permit fees will be waived in the case of installation or repair of sidewalk by, or one acting for, the owner of real property or in the case of installation of new public improvements by a subdivider or site developer in accordance with approved plans without cost to the Borough.

(Ord. #421; New)

12-1.5 Cash Repair Deposits: Waiver.

a. Cash Repair Deposit to Accompany Application. The application for an excavation permit to perform excavation work concerning an area of more than one (1) square yard, under this Section shall be accompanied by a cash repair deposit. Such cash repair deposit will take the form of cash or certified check payable to the “Borough of Point Pleasant” and shall be received by the Borough Treasurer prior to the issuance of a permit.

b. Amount of Cash Repair Deposit. The amount of the cash repair deposit required shall be:

1. Three ($3.00) dollars per square foot of surface for an opening not exceeding one hundred fifty (150) square feet;
2. Two dollars and fifty ($2.50) cents per square foot of surface for an opening one hundred fifty (150) square feet or more, but not exceeding one thousand (1,000) square feet;
3. Two ($2.00) dollars per square foot for an opening one thousand (1,000) square feet or more but not exceeding five thousand (5,000) square feet.
4. One dollar and fifty ($1.50) cents per square foot for an opening exceeding five thousand (5,000) square feet.
c. Cash Repair Deposit for Involvement of Other Public Improvements. In the case of excavation or removal or alteration of other public improvements such as drainage, sidewalks, driveways, driveway aprons, etc., the Borough Engineer shall determine in each case the amount of the cash repair deposit, in an amount sufficient to allow the borough to perform all required repairs and restorations. This amount shall be estimated to include Borough gross costs, including fees, temporary maintenance costs, permanent restoration costs, engineering costs, etc.

d. Minimum Cash Repair Deposit. In no case shall a cash repair deposit be less than one hundred ($100.00) dollars.

e. Return of Cash Repair Deposit. Any cash repair deposit made hereunder shall serve as security for the inspection, repair and performance of work necessary to put the street in as good condition as it was prior to the excavation if the Permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work under the excavation permit. Upon the Permittee’s completion of the work covered by such permit, in conformity with this Section as determined by the Superintendent of Public Works, two-thirds (2/3) of the remaining cash deposit shall be promptly refunded by the Borough to the Permittee and the balance shall be refunded by the Borough to the Permittee upon the expiration of a twelve (12) months period thereafter; provided that if the amount of the cash deposit does not exceed one hundred ($100.00) dollars, the entire cash repair deposit will be returned upon the Superintendent of Public Works’ determination that the Permittee has performed the work in conformity with this Section.

f. Use of Cash Deposit Funds. The Borough may use any or all of such deposit to pay the cost of inspection and/or any work the Borough performs to restore or maintain the street as herein provided in the event the Permittee fails to perform such work, in which case the amount refunded to the Permittee shall be reduced by the amount thus expended by the Borough.

g. Waiver of Cash Repair Deposits. Cash repair deposits will be waived in the case of installation or repair of sidewalk by the owner, or by a person acting for the owner, of real property and may be waived in the case of installation of new public improvements by a subdivider or site developer in accordance with approved plans and without cost to the Borough provided however that such waiver will not be granted if, in the opinion of the Superintendent of Public Works, a cash repair deposit is required to insure protection of existing improvements or to guarantee against damages during construction.

(Ord. #421; New)

12-1.6 Surety Bond.

a. When Surety Bond Permitted. If an individual cash repair deposit required by subsection 12-1.5 exceeds one thousand ($1,000.00) dollars or if the aggregate of the cash repair deposits which any applicant expects to be required to provide within a period of one (1) year exceeds five thousand ($5,000.00) dollars or if the applicant is a public utility regulated by the Federal Government and/or the State of New Jersey, then the Borough Council may allow the provision of all or, at the Borough Council’s discretion, a portion of the cash repair deposit in the form of a surety bond. If a surety bond is to be provided in accordance with the requirements of this Section, the applicant shall deposit with the Borough Clerk a
surety bond in an amount to be determined by the Borough Engineer made payable to the “Borough of Point Pleasant”.

b. Requirements for Surety Bond. The required surety bond must be:

1. With good and sufficient surety;
2. By a surety company authorized to transact business in New Jersey;
3. Satisfactory to the Borough Attorney in form and substance;
4. Conditioned upon the Permittee’s compliance with this Section and to secure the borough and its Officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the Borough, the Borough Council or any Borough Officer may be made liable by reason of any accident or injury to person or property through the fault of the Permittee; either in not properly guarding the excavation or for any other injury resulting from the negligence of the Permittee. It shall be further conditioned upon the obligation of the Permittee to fill up, restore and place in good and safe condition and as near as may be to its original condition and to the satisfaction of the Superintendent of Public Works all openings and excavations made in streets and to maintain any street where excavation is made in as good condition for the period of twelve (12) months after this work shall have been done, usual wear and tear excepted, as it was in before this work shall have been done. Any settlement of the surface within the one (1) year period shall be deemed conclusive evidence of defective back filling of the Permittee.

c. Nothing herein contained shall be construed to require the Permittee to maintain any repairs to pavement made by the Borough if such repairs should prove defective. Recovery on such bond for any injury or accident shall not exhaust the bond, but the bond shall, in its entirety, cover any and all future accidents or injuries during the excavation work for which it is given. If the event of a suit or claim against the Borough by reason of the negligence or the fault of the Permittee, upon the Borough giving written notice to the Permittee of such suit or claim, any final judgment against the Borough requiring it to pay for such damage shall be conclusive upon the Permittee and its surety binding them to reimburse the Borough for any amounts it must pay as a result of said judgment. An annual bond may be given under this provision, which shall remain in force for one (1) year conditioned as above in the amount specified above and in other respects as specified above but applicable as to all excavation work in streets by the principal in such bond during the term of one (1) year from this date. (Ord. #421; New)

12-1.7 Scheduling of Work. No opening shall be made unless the Superintendent of Public Works is given forty-eight (48) hours notice prior to the time work is to commence. No work shall be permitted except during the normal working hours of the Department of Public Works. (Ord. #421; New)

12-1.8 Excavation Placard. The Superintendent of Public Works shall provide each Permittee at the time a Permit is issued hereunder, a suitable placard, plainly written or printed in English letters at least one (1”) inch high, with the following notice:
“Borough of Point Pleasant, Permit No. __________ expires __________.” In the first blank space, there shall be inserted the number of the permit and after the word expires, shall be stated the date when the Permit expires. It shall be the duty of any Permittee hereunder to keep the placard posted in a conspicuous place at the site of the excavation work. It shall be unlawful for any person to exhibit such placard at or about an excavation site not covered by such permit, or to misrepresent the number of the permit or the date of expiration of the Permit. 
(Ord. #421; New)

12-1.9 Routing of Traffic.

a. Interference with Traffic. The Permittee shall take appropriate measures to insure that during the performance of the excavation work, traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, providing that the Superintendent of Public Works may permit the closing of the streets to all traffic for the period of time prescribed by him, if in his opinion it is necessary. The Permittee shall route and control traffic, including its own vehicles, as directed by the Borough Police Department.

b. Steps Required Before Closing or Restricting Traffic. The following steps shall be taken before any street may be closed or restricted to traffic:

1. The Permittee must receive the approval of the Superintendent of Public Works and the Police Department therefor.

2. The Permittee, at least twenty-four hours prior to commencement of construction, must notify the Borough Fire Companies and First Aid Squad together with the Borough of Point Pleasant Board of Education and Bus Transportation Coordinator.

3. Where flagmen are deemed necessary by the Superintendent of Public Works and/or Police Department, they shall be furnished by the Permittee at its own expense.

4. Through traffic shall be maintained without the aid of detours if possible. In instances in which this would not be feasible, the Chief of Police will designate detours. The Borough shall maintain roadway surfaces of existing highways designated as detours without expense to the Permittee, but in case there are no existing highways, the Permittee shall construct all detours at its own expense and in conformity with the specifications of the Superintendent of Public Works. The Permittee will be responsible for any unnecessary damage caused to any highway by the operation of its equipment.

5. Upon completion of the construction work, the Permittee shall notify the Superintendent of Public Works and Police Department before traffic is moved back to its normal flow, so that any necessary adjustments may be made.
(Ord. #421; New)

12-1.10 Protection of Traffic. The Permittee shall erect and maintain suitable temporary barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible. The Permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate vehicular and pedestrian traffic at
all street intersections. Vehicular crossings shall be constructed and maintained of plank, timbers and blocking and/or steel plates of adequate size to accommodate vehicular traffic safely. Decking shall be not less than four (4”) inches thick and shall be securely fastened together with heavy wire and staples. Pedestrian crossings shall consist of planking three (3”) inches thick, twelve (12”) inches wide and of adequate length, together with necessary blocking. The walk shall not be less than three (3”) feet in width and shall be provided with a railing as required by the Superintendent of Public Works. (Ord. #421; New)

12-1.11 Clearance for Fire Equipment. The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within ten (10’) feet of fire hydrants and valves. Passageways leading to fire escapes or fire fighting equipment shall be kept free of piles of materials or other obstructions. (Ord. #421; New)

12-1.12 Removal and Obstruction of Utilities.

a. Written Consent Required When Utilities Involved. The Permittee shall not interfere with any existing utility without the written consent of the Superintendent of Public Works and/or the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the borough shall be moved to accommodate the Permittee unless the cost of such work be borne by the Permittee. The cost of moving privately owned utilities shall be similarly borne by the Permittee, unless he makes other arrangements with the person owning the utility. The Permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, maintain and protect them under, over, along or across said work.

b. Repair of Damage; Responsibility of Permittee. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the Permittee and his or its bond shall be liable therefor. The Permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipes, electric conduits or other utility and its bond shall be liable therefor. The Permittee shall inform himself as to the existence and location of all underground utilities and protect the same against damage. (Ord. #421; New)

12-1.13 Protection of Adjoining Property. The Permittee shall at all times, and at his or its own expense, preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where, in the protection of said property, it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the Permittee shall obtain a license from the owner of such private property for such purpose. The Permittee shall at its own expense shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from his failure to protect and carry out such work.
Whenever it may be necessary for the Permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The Permittee shall not remove even temporarily, any trees or shrubs which exist in parking strip areas or easements across private property without first having notified and obtained the consent of the property owner or in the case of public property, the appropriate Borough department or Borough Official having control of such property.

(Ord. #421; New)

12-1.14 Sidewalk Excavation. Any excavation made in any sidewalk or under a sidewalk shall be provided with a substantial and adequate footbridge over said excavation on the line of the sidewalk, which bridge shall be at least three (3’) feet wide and securely railed on each side so that passengers can pass over safely at all times. (Ord. #421; New)

12-1.15 Protective Measures.

a. Warning Lights and Barricades. The Permittee shall erect and maintain, approaching and throughout the site of the excavation work, such signs, lights, barricades and other protective devices as are required. In the absence of specific written directions by the Superintendent of Public Works all signs shall be provided as required by the “Manual on Uniform Traffic Devices” section concerning “Construction Signing”, as published by the United States Department of Transportation.

b. Insufficient Warning Devices; Erection of Warning Signs by Borough; Assignment of Costs. Should the Superintendent of Public Works and/or Police Department at any time determine that the Permittee has failed to provide all required signs and protective devices in accordance with the directions of the Borough Engineer and/or the requirements of the previously mentioned “Manual on Uniform Traffic Control Devices”, the Borough may provide and erect or cause the provision and erection of such required signs, barricades and traffic control devices and the cost thereof may be deducted from the cash repair deposit provided by the applicant or may be billed directly to the Permittee by the Borough. If such billing is made and not paid by the Permittee within fifteen (15) working days after such billing, the amount may be deemed due and recoverable from the Permittee’s cash deposit or surety.

c. Emergency Situations; Installation of Signs Without Notice. The Borough shall normally provide the Permittee with twenty-four (24) hours notice of its intention to require the provision of any such signs, barricades and traffic control devices and its intention to bill the Permittee the cost thereof, to deduct the cost thereof from the Permittee’s cash repair deposit, or to recover the cost thereof from the Permittee’s surety, except that in the case of an immediate emergency or hazard to the public health or safety, the Borough may cause the provision and erection of these devices without notice.

d. Requirement for Installation of Barricades and Lights. The Permittee shall erect such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the street or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger
removed. At twilight, there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets, suitable and sufficient lights which shall be kept burning through the night during the maintenance of such obstructions. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public. (Ord. #421; New)

12-1.16 Attractive Nuisance. It shall be unlawful for the Permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of an attractive nuisance, likely to attract children or hazardous to their safety or health. (Ord. #421; New)

12-1.17 Disposition of Excavated Material. All materials excavated from trenches and piled adjacent to the trench, or in any street, shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the street and in such a manner so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Superintendent of Public Works shall have the authority to require that the Permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the Permittee’s responsibility to secure the necessary permission and to make all necessary arrangements for all required storage and disposal sites. (Ord. #421; New)

12-1.18 Damage to Existing Improvements. All damage done to existing improvements during the progress of the excavation work shall be repaired by the Permittee. Materials for such repairs shall conform with the requirements of any applicable code or ordinance. If, upon being ordered, the Permittee fails to furnish the necessary labor and materials for such repairs, the Superintendent of Public Works shall have the authority to cause the necessary labor and materials to be furnished the Borough and the cost shall be charged against the Permittee and the Permittee shall also be liable on his or its bond therefor. (Ord. #421; New)

12-1.19 Property Lines and Easements. Property lines and limits or easements shall be indicated on the plan of excavation submitted with the application for the excavation permit and it shall be the Permittee’s responsibility to confine excavation work within these limits. (Ord. #421; New)

12-1.20 Cleanup.

a. As the excavation work progresses, all streets and private property shall be thoroughly cleansed of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of the excavation shall be completed to the satisfaction of the Township Engineer.

b. From time to time, as may be ordered by the Superintendent of Public Works and in any event, immediately after completion of said work, the Permittee shall, at his or its own expense, clean up and remove all refuse and unused
materials of any kind resulting from said work and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Superintendent of Public Works, said work may be done by the Borough and the cost thereof charged to the Permittee and the Permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

(Ord. 421; New)

12-1.21 Protection of Watercourses. The Permittee shall provide for the flow of all watercourses, sewers and drains intercepted during the excavation work and shall replace the same in as good condition as it found them, or shall make such provisions for them as the Superintendent of Public Works may direct. The Permittee shall not obstruct the gutter of any street, but shall use all proper measures to provide for the free passage of surface water. The Permittee shall make provision to take care of all surplus water, muck, silt, slicking or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

(Ord. 421; New)

12-1.22 Breaking Through Pavement. Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be four (4') feet or over in depth, the pavement in the base shall be removed to at least six (6”) inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a six (6”) inch shoulder of undisturbed material shall be provided on each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. Asphalt pavement shall be scored, saw-cut or otherwise cut in a straight vertical line.

(Ord. #421; New)

12-1.23 Tunnels. Tunnels under pavement shall not be permitted except by permission of the Superintendent of Public Works and, if permitted, shall be adequately supported by timbering and backfilling under the direction of the Superintendent of Public Works.

(Ord. #421; New)

12-1.24 Backfilling Requirements. Backfilling in any street opened or excavated pursuant to an excavation permit issued hereunder, shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical means such as tamping, vibrating or rolling as required by the soil in question and sound engineering practice generally recognized in the construction industry.

(Ord. #421; New)

12-1.25 Procedure in Backfilling. All backfilling of excavations in or within ten (10’) feet of any pavement or shoulder area, shall be done in thin layers. Each layer is to be tamped by a manual or mechanical means. Layers that are hand tamped shall not exceed three (3”) inches in thickness; layers that are powered tamped, shall not exceed six (6”) inches in thickness. This same requirement shall apply to all areas not within or within five (5’) feet of, any pavement or shoulder areas except that the backfilling in thin layers shall only be required up to the first eighteen (18”) inches above the top of any installed pipes or conduits, and the remaining portion of the backfill may be placed in a manner acceptable to the Superintendent of Public Works so as to provide a density comparable to that existing in the undisturbed ground adjacent to the excavation.

(Ord. #421; New)

12-1.26 Backfill Material. Whenever any excavation for the laying of pipe is made through rock, pipe shall be laid six (6”) inches above the rock
bottom of the trench and the space under, around and six (6”) inches above the pipe shall be backfilled with clean sand, non-corrosive soil or one-quarter (1/2”) inch minus gravel. Broken pavement, large stones, frozen soil, wet or saturated soil and debris shall not be used in the backfill. Where in the opinion of the Superintendent of Public Works, excavated material is unsuitable for use as backfill, the contractor shall supply other pervious material to be used for backfill. (Ord. #421; New)

12-1.27 Backfilling at the Surface. Backfilling shall be completed by placing the backfill material well up over the top of the trench. For dry backfilling the material shall be compacted with a roller of an approved type until the surface is unyielding. The surface shall then be graded as required. (Ord. #421; New)

12-1.28 Restoration of the Surface.

a. Required. The Permittee shall restore the surface of all streets broken into or damaged as a result of the excavation work to its original condition in accordance with the Borough Design Standards and Details.

b. Minimum Standards. The minimum permitted permanent repairs shall be, or in the opinion of the Borough Engineer, be equivalent to:

1. In streets surfaced with a bituminous surface treatment - construction of a hot, mixed bituminous stabilized base, NJDOT Mix I-1, four (4”) inches compacted thickness and a hot, mixed bituminous concrete surface course, NJDOT Mix I-5, one and one-half (1 1/2”) inches compacted thickness. All pavement edges to be vertically cut, neatly matched and tack coated - no existing overlaying pavements will be permitted;

2. In streets of lesser construction, as approved by the Borough Engineer at the time of issuance of permit.

3. Excavations of one (1) square yard or less regardless of type or road construction shall be restored with six (6”) inches NJDOT I-4 Soil Aggregate.

If the particular existing pavements exceed these criteria, higher type repairs may be required. All materials and workmanship to be in accordance with the Latest Revision to the New Jersey Department of Transportation’s Standard Specifications for Road and Bridge Construction.

c. Temporary Restorations. The Permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the permanent replacement pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be tamped into place and this fill shall be topped with a minimum of at least two (2”) inches of cold mix bituminous concrete which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one (1”) inch above the adjoining pavement. The Permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. If in the judgment of the Superintendent of Public Works, it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such
permit by reason of the looseness of the earth or weather conditions, he may
direct the Permittee to lay a temporary pavement of steel plate or other suitable
material designated by him over said cut or excavation to remain until such time
as the repair of the original pavement may be properly made.

d. Permanent Restoration. Permanent restoration of the street shall be made by
the Permittee in strict accordance with the specifications prescribed by the
Superintendent of Public Works to restore the street to its original and proper
condition, or as near as may be.

e. Acceptance or approval of any excavation work by the Superintendent of
Public Works shall not prevent the Borough from asserting a claim against a
Permittee and his or its surety under the surety bond required hereunder for
incomplete or defective work if discovered within twenty-four (24) months from
the completion of the excavation work. The Superintendent of Public Works’
presence during the performance of any excavation work shall not relieve the
Permittee of its responsibilities hereunder.

(Ord. #421; New)

12-1.29 Borough’s Right to Restore Surfaces or Eliminate Violations;
Maintenance of Condition.

a. Permittee Fails to Restore Surface; Borough to Act. If the Permittee shall
have failed to restore the surface of the street to its original and proper condition
upon the expiration of the time fixed by such permit or shall otherwise have failed
to complete the excavation work covered by such permit, or shall fail to adhere to
other requirements of this Chapter, the Borough shall have the right to do all work
necessary to restore the street, eliminate violations and to complete the excavation
work. The Permittee shall be liable for the actual costs thereof and twenty-five
(25%) percent of such cost in addition thereto for general overhead and
administrative expenses. The Borough shall have a cause of action for all fees,
expenses and amounts paid out and due it for such work and shall apply in
payment of the amount due it, any funds of the Permittee deposited as herein
provided and the Borough shall also enforce its rights under any surety bond
provided pursuant to this Chapter. The Borough will normally give the Permittee
twenty-four (24) hours notice of its intent to act, under the terms of this Section,
to eliminate violations of this Chapter or to restore the surface, except that in the
case of immediate danger to the public health or safety certified to by the
appropriate officials, no such notice will be provided.

b. Guarantee for One (1) Year. It shall be the duty of the Permittee to
guarantee and maintain the site of the excavation working the same condition it
was prior to the excavation for one (1) year after restoring it to its original
condition.

(Ord. #421; New)

12-1.30 Trenches in Pipe Laying. Except by special permission from the
Superintendent of Public Works, no trench shall be excavated more than two
hundred fifty (250’) feet in advance of pipe laying nor left unfilled more than two
hundred fifty (250’) feet beyond where pipe has been laid. The length of the
trench that may be opened at any one time, shall not be greater than the length of
pipe and the necessary accessories which are available at the site, ready to be put
in place. Trenches shall be braced and sheathed according to generally accepted
safety standards for construction work as prescribed by State Statute and Federal
Regulation. Except with the written permission of the Superintendent of Public Works, no timber bracing, lagging, sheathing or other lumber shall be left in any trench. (Ord. #421; New)

12-1.31 Prompt Completion of Work. The Permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition or as near as may be, as soon as practicable and, in any event, not later than the date specified in the excavation permit therefor. (Ord. #421; New)

12-1.32 Urgent Work. If in his judgment, traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, the Superintendent of Public Works shall have full power to order at the time the Permit is granted, that a crew of men and adequate facilities be employed by the Permittee twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible. (Ord. #421; New)

12-1.33 Emergency Action. In the event of an emergency in which a sewer main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of the property, life, health and safety of individuals. However, such person owning or controlling such facility, shall apply for an excavation permit not later than the end of the next succeeding day during which the Superintendent of Public Works’ Office is open for business and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder. (Ord. #421; New)

12-1.34 Noise, Dust and Debris. Each Permittee shall conduct and carry out the excavation work in such manner as general public and occupants of neighboring property. The Permittee shall take appropriate measures to reduce to the fullest extent practicable, in the performance of the excavation work, noise, dust and unsightly debris and during the hours of 9:00 p.m. to 7:00 a.m. the following day on weekdays and between 8:00 p.m. Friday night and 8:00 a.m. Saturday and between the hours of 8:00 p.m. Saturday and 8:00 a.m. Sunday morning and on legal holidays, shall not use, except with the express written permission of the Superintendent of Public Works, or in case of any emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. (Ord. #421; New)

12-1.35 Excavations Barred in New Street Improvements. Whenever the Borough Council enacts an Ordinance or Resolution providing for the paving or repaving of any street, the Municipal Administrator shall promptly mail a written notice thereof to each person owning any sewer main, conduit or other utility in or under a street or any real property whether improved or unimproved abutting said street. Such notice shall notify such persons that no excavation permit shall be issued for openings, cuts, or excavations in the street for a period of five (5) years from the date of enactment of such ordinance or resolution. Such notice shall notify such persons that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly in order
that the work covered by the excavation permit may be completed not later than
forth-five (45) days from the date of the ordinance or resolution. The
Administrator shall also promptly mail out copies of such notice to the occupants
of all houses, buildings and other structures abutting said street for their
information and to State agencies and departments or other persons that may
desire to perform excavation work in said street.

In the forty-five (45) days, every public utility company receiving notice as
prescribed herein, shall perform such excavation work, subject to the provisions
of this Chapter as may be necessary to install or repair sewers, mains, conduits or
other utility installation. In the event any owner of real property abutting the
street shall fail within said forty-five (45) days to perform such excavation work
as may be required to install or repair utility service lines or service connections
to the property lines, any and all rights of such owner or his successors in interest
to make openings, cuts or excavations in said streets shall be forfeited for a period
of five (5) years from the date of enactment of said Ordinance or Resolution.
During said five (5) year period, no excavation permit shall be issued to open, cut
or excavate in said street unless in the judgment of the Superintendent of Public
Works an emergency as described in this Chapter exists which makes it absolutely
necessary that the excavation permits to be used.

Every Borough Department of Official charged with the responsibility for any
work that may necessitate any opening, cut or excavation in said street, is directed
to take appropriate measures to perform such excavation within the forty-five (45)
day period as to avoid the necessity of making any openings, cuts or excavations
in the new pavement in the Borough street during the five (5) year period.
(Ord. #421; New)

12-1.36 Preservation of Monuments. The Permittee shall not disturb any
surface monuments or hubs found in the line of excavation work. Relocation of
any monuments or property markers shall be by a N.J. Licensed Land Surveyor at
the Permittee’s expense. (Ord. #421; New)

12-1.37 Inspections. The Superintendent of Public Works or his
designated representatives shall make such inspections as are reasonably
necessary in the enforcement of this Section. The cost of such inspections will be
borne by the borough and the monies obtained from the street excavation fee shall
be used to wholly or partially defray these and other administrative costs
associated with the enforcement of this Section. The Superintendent of Public
Works shall have the authority to promulgate and case to be enforced such rules
and regulations as may be reasonably necessary to enforce and carry out the intent
of this Section. (Ord. #421; New)

12-1.38 Maintain Drawings. Users of subsurface street space shall
maintain accurate drawings, plans and profiles showing the location and character
of all underground structures including abandoned installations. Corrected maps,
two (2) copies, shall be filed with the Superintendent of Public Works within
thirty (30) days after new installations, changes or replacements are made. (Ord.
#421; New)

12-1.39 Where Chapter Not Applicable.

a. Borough Work. The provisions of this Section shall not be applicable to any
excavation work under the direction of competent Borough officials by employees
of the Borough or by any contractor of the Borough or agency or department of
the Borough performing work for an in behalf of the borough necessitating
openings or excavations in streets nor shall the provisions of subsections 12-2.4
and 12-1.6 apply to any excavation work performed adjacent to or within the
public rights-of-way by subdividers or site developers in accordance with
approved subdivision or site plans provided such subdividers or site developers
have posted cash guarantees and surety in accordance with the applicable
ordinance requirements.
(Ord. #421; New)

12-1.40 Insurance. A Permittee, prior to the commencement of excavation
work hereunder, shall furnish the Borough Clerk satisfactory evidence in writing
that the Permittee has enforced and will maintain enforced during the
performance of the excavation work and the period of the excavation permit,
public liability insurance of not less than five hundred thousand ($500,000.00)
dollars for any person and five hundred thousand ($500,000.00) dollars for any
accident and property damage insurance of not less than fifty thousand
($50,000.00) dollars issued by an insurance company authorized to do business in
this State, naming the Borough as an additional insured. In cases where the
character or nature of the proposed excavation work are such as to present an
unusual hazard or a higher than normal risk of damage or injury, the Borough
Council may require the provision of increased amounts of liability and property
damage insurance. Any permits which occasion such increased hazard or
liability, shall be referred by the Superintendent of Public Works, for the
consideration of the Borough Council, prior to the issuance of the permit. (Ord.
#421; New)

12-1.41 Liability of Borough. This Section shall not be construed as
imposing upon the borough or any official or employee any liability or
responsibility for any damages for any person injured by the performance of any
excavation work for which an excavation permit is issued hereunder, nor shall the
borough or any official or employee thereof be deemed to have assumed any such
liability or responsibility by reason of inspections authorized hereunder, the
issuance of any permit or the approval of any excavation work. (Ord. #421; New)

12-1.42 Penalty. Any person who violates any provisions of this Chapter
shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section
1-5. (Ord. #421; New)

12-2 GARBAGE AND REFUSE.

12-2.1 Preparation of Refuse and Garbage. The following regulations shall
control the preparation of refuse and garbage proposed to be collected by agents,
servants or employees of this Borough during the normal and regular days of
collection:

a. Trash and garbage shall be placed in water tight metal or plastic containers
with a lid. The container shall be limited in size to capacity of not more than fifty
(50) pounds of contents. Each container shall be placed for collection just inside
the curbline. No trash or garbage shall extend above the normal height of the
container. In addition to the aforesaid, the term garbage and trash container shall
mean and include watertight heavy duty plastic garbage bag containers of
substantial quality.
b. Leaves shall be placed in a container from which or in which they may be readily loaded into disposal truck.

c. Each box, carton or other container must be flattened out and disassembled so as to be readily and easily handled. NO part of any such material shall exceed four (4’) feet in length nor weight more than fifty (50) pounds when deposited for collection.

d. All grass, weeds and similar growth shall be placed in a container so they may be readily emptied into the collection vehicle. Material in container shall not exceed fifty (50) pounds in weight when deposited for collection.

e. Newspapers, magazines and periodicals shall be securely tied in bundles, each having a maximum weight of fifty (50) pounds.

f. All broken glass or other dangerous material shall be placed in a secure container to facilitate safe loading of the broken glass or other dangerous material.

g. If any container of garbage in upset or overturned, other than by Borough agents, servants or employees engaged in garbage and refuse collection, the property owner, tenant or other person placing garbage for municipal collection shall promptly clean up such spilled garbage and restore it to a watertight metal or plastic container with lid.

h. No person shall place any of the items referred to in subsection 3-5.2 of this Section in any street or highway, either for collection or other disposal.

i. If any container of garbage is upset or overturned by any Borough agent, servant or employee, he shall immediately collect such garbage and dispose of same in the garbage truck.

j. No garbage container shall be placed at the curb by the property owner or tenant or person occupying the property at any time prior to the twenty-four (24) hour period immediately preceding the scheduled collection day. All garbage containers must be removed from the curb by the property owner, tenant or any other person placing the same out for collection the same day garbage, trash and refuse is collected.

k. All commercial establishments shall provide for adequate containers sufficient in size and quantity for all garbage and trash to be stored between collections. If any commercial establishment shall provide for private container collection, all applicable portions of this Section concerning proper storage and the placement and screening of receptacles and the accumulation of trash shall apply.

l. The owner of every apartment dwelling shall provide adequate containers of sufficient size and quantity for all garbage and trash to be stored between collections. If the owner of any apartment dwelling or dwellings provides for private container collection, all applicable portions of this Section concerning proper storage and the placement and screening of receptacles and the accumulation of trash and garbage shall apply.
m. It shall be unlawful for any person having control of any containers for the collection of garbage and refuse, to allow trash, refuse or garbage of any kind to accumulate around the outside of containers.

n. All trash and garbage containers during the periods between collections, shall be stored in a manner so as not to be visible from the street, or screened from visibility by solid type fencing.

(Ord. #379, S 49-1; Ord. #596, S 1-3; Ord. #648, S 1)

12-2.2 Preparation of Trash and Household Items. The following regulations shall control the preparation of trash or household belongs to be collected by agents, servants or employees of this Borough during the scheduled “Cleanup Weeks”:

a. Tree trimmings, hedge clippings and similar materials shall be cut to a length not to exceed four (4’) feet and securely tied in bundles not more than two (2’) feet thick before being deposited just inside the line for collection. The material shall not exceed fifty (50) pounds in weight.

b. Household furniture shall be placed so as not to fall into the street right-of-way or sidewalk areas. Refrigerators must have doors removed or placed so doors cannot be opened.

c. Collection of trash shall not be deemed to include the following:
   1. Motor vehicles or parts thereof.
   2. Boats or dismantled parts thereof.
   3. Large trees or stumps.
   5. Such recyclables as may be designated in conformance with Section 12-5 of this Code.

(Ord. #379, S 49-2; New)

12-2.3 Noncollection Due to Noncompliance. If any one (1) or more of the above regulations are not followed by the property owner, tenant or other person desiring collection, the Borough or its agents, servants or employees shall not be obliged to make collection of the items concerning which any one (1) or more of the above regulations have not been followed. When any of the items named in or referred to in subsections 12-2.1 and 12-2.2 are placed at or just inside the curbline, it shall be assumed same are so placed for garbage, refuse or trash collection and disposal.

(Ord. #379, S 49-3)

12-2.4 Notification of Noncompliance; Report of Noncollection. If any Borough agent, servant or employee observes the noncompliance with any of the regulations in this Section, he shall immediately notify the adjacent tenant or landowner of the noncompliance and reason for not making the collection. Such notice may be given personally or a written statement thereof left on the premises. Each instance of noncollection shall be reported to the Borough Clerk’s office or Police Department by the person in charge of the particular truck not making the collection.

(Ord. #379, S 49-4)
12-2.5 Compliance Necessary for Collection. No municipal agent, servant or employee shall collect any of the items referred to in subsections 12-2.1 and 12-2.2 unless and until such items are prepared for collection and disposal as referred to and as directed in said subsections. (Ord. #379, S 49-5)

12-2.6 Violations and Penalties. The enforcing authority for this Section shall be the Zoning and Code Enforcement Officer of the Borough. Any person found guilty of violating any of the provisions of this Section shall be subject to a penalty as established by Chapter I, Section 1-5. (Ord. #379, S 49-6; Ord. #596, S 5; Ord. #648, S 2)

12-2.7 Littering: Prohibited.

a. Title Established, Declaration of Findings and Policies. This subsection shall be known and cited as “Littering and Dumping Regulations” of the Borough of Point Pleasant.

Litter and illegal dumping is a serious infliction affecting public health, comfort, welfare and the value of real property and environment. The necessity to protect the interests of the public are contained and enacted within the provisions and prohibitions of this subsection. The people have a right to and should be insured an environment free of litter and other objects which degrade the quality of life within the Borough.

From and after the effective date of this subsection, the following regulations shall regulate littering in the Borough of Point Pleasant.

1. The term “Littering” shall mean any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material of any combination thereof including, but not limited to, any bottle, jar, or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, discarded fish remains, debris, rubbish, grass clippings, or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

2. It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon public or private property, other than a litter receptacle or structure or container designated for the collection of the particular item.

3. The term “catch basin” shall mean any structure associated with receiving and transporting runoff from rainfall. Other terms synonymous with “catch basin” are, but not limited to, storm sewer inlet, inlet, sump, basin, etc.

b. Receptacles; Public Places. The use of litter receptacles shall be required at the following public places which exist in the municipality. The proprietor of these places or sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

1. Buildings held out for use by the public including schools, government buildings, and railroad and bus stations.
2. Sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle.

3. All parks, beaches and bathing areas.

4. All drive-in restaurants.

5. All street vendor locations.

6. All self-service refreshment areas.

7. All construction sites.

8. All shopping centers.

9. All gasoline service station islands.

10. All marinas, boat moorage and fueling stations, all boat launching stations and all public and private piers operated for public use.

11. All special events to which the public is invited, including sporting events, parades, carnivals, circuses, barbecues and festivals.

c. Solid Waste Disposal.

1. It shall be unlawful for any person to discard or dump along the street or road, on or off at any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, or private property in any place not specifically designated for the purpose of solid waste storage or disposal.

2. It shall be unlawful for any person to discard litter or allow litter to be discarded into a “catch basin.” It also shall be unlawful for a property owner to allow a “catch basin” to accumulate litter or other foreign substances which are not considered an integral part of the catch basin structure. Foreign substances would include but not limited to sediment, leaves, grass clippings, personal tangible property, litter, oil or any other waste.

d. Storage. It shall be unlawful for any residential property owner to store or permit to be stored any bulky household items for a period in excess of thirty (30) days in areas zoned residential. Household items shall include but not be limited to household appliances, furniture, mattresses, automobile parts, etc. A person or residential property owner may store said items in a fully enclosed structure, otherwise items must be disposed of properly.

e. Tires; Storage. It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure.

f. Motor Vehicles, Inoperable Vehicles. It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots, and residential lawns except in a fully enclosed structure, any motor vehicle, trailer or semi-trailer which is: (1)
missing tires, wheels, engine, or any essential parts; or (2) which displays extensive body damage or deterioration; or (3) which does not display a current, valid state license plate; or (4) which is wrecked, disassembled or partially disassembled.

g. Motor Vehicles; Loading. It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs therefor.

h. Construction or Demolition Sites. It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after the completion of any construction or demolition project. It shall be the duty of the owner, agent, or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage or refuse.

i. Waste Disposal Bins. It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

j. Streets; Sidewalks and Curbs. It shall be the duty of the owner, lessee, tenant, occupant, or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleys free from litter and other offensive material. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any litter or accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free from litter. All sweepings shall be collected and properly containerized for disposal.

k. Fines; Penalties. Any person, firm, corporation or association violating the terms of this subsection whether as principal, agent, or employee of another, shall be subject to a fine of no less than one hundred ($100.00) dollars and no more than one thousand ($1,000.00) dollars for the first violation and/or up to a term of ninety (90) days in jail. For every subsequent violation the violator shall be subject to a minimum penalty of five hundred ($500.00) dollars and no more than one thousand ($1,000.00) dollars and/or up to a term of one hundred eighty (180) days in jail or both. If the violation is of a continuing nature, each and every day during which it continues, constitutes a separate and distinct offense. In addition to the minimum monetary penalty, the judicial system has the option of sentencing the person, firm, corporation or association to participate in any alternative sentencing program designed for local visible public property cleanup. The nature and duration of this participation will be equivalent to the severity of the fine levied by the courts.

Additionally, notwithstanding the aforementioned provisions, the Borough Attorney is authorized to take all necessary legal action, including the
filing of a lawsuit, against any person convicted of violations of any provisions of Chapter XII to recoup any costs incurred by the Borough of Point Pleasant as a result of said violation.
(Ord. #368, S 39-5; Ord. #500; Ord. #805, S 1; Ord. #864, S 1; Ord. #92-60, S 2)

12-2.8 Unlawful Disposal of Tangible Personal Property Prohibited.

a. It shall be unlawful for any person, persons, partnership or corporation to unlawfully dispose of, or knowingly fail to remove, tangible personal property, which is property with a physical existence and an intrinsic value, within the Borough by throwing, dropping, discarding, knowingly concealing, placing or allowing to fall upon public, private or any other areas within the boundaries of the Borough of Point Pleasant.

b. Any violation of this subsection shall subject the violator to the fines and penalties set forth in subsection 12-2.7.
(Ord. #850, S 1)

12-3 CLEAR VIEW AT INTERSECTIONS.

12-3.1 Cutting; Duty of Owner or Tenant; Notice. The owner or tenant of lands lying within the limits of the Borough shall keep all brush, hedges and other plant life and all other obstructions within ten (10') feet of a roadway, and within twenty-five (25') feet of the intersection of two (2) roadways, cut to a height of two and one-half (2 1/2') feet or removed within ten (10) days after service of notice to cut the brush, hedges or other plant life or other obstruction. Trees must be trimmed of all branches and leaves up to a height of ten (10') feet when the branches or leaves obstruct roadway vision. (Ord. #368, S 13-1)

12-3.2 Service of Notice. The notice required by subsection 12-3.1 above shall be served by the Zoning and Code Enforcement Officer, in accordance with Chapter 2, Section 2-15 and all the complaints shall be filed with the Zoning and Code Enforcement Officer, in accordance with Chapter II, Section 2-15. (Ord. #368, S 13-2; Ord. #497, S 13-2)

12-4 RECYCLING.*

12-4.1 Short Title. This Section shall be known and may be cited as the Recycling Ordinance of the Borough of Point Pleasant. (Ord. #843, S 1)

12-4.2 Definitions. The words, terms and phrases used in this Section shall have the following meanings:

Aluminum Cans shall mean all empty all-aluminum beverage containers.

Authorized Persons License shall mean license required by person, persons, partnerships, organizations or corporations to pick up recyclable materials pursuant to subsection 12-6.6 of this section.

Cardboard shall mean a then, stiff pasteboard, used for signs, boxes, etc.

*Editor's Note. Previous Section 12-4, entitled “Separation of Recyclable Materials,” (Ordinance No. 691) has been superseded in its entirety by Ordinance Nos. 843 and 848A.
Commercial Establishments shall mean those properties used primarily for commercial purposes and professional offices which shall include but not be limited to shopping centers, restaurants, convenience stores, fast food establishments, marinas, taverns and other offices.

Ferrous Containers shall mean empty steel or tin food or beverage containers.

Glass Containers shall mean bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass and porcelain and ceramic products.

Institutional Establishments shall mean those facilities that house or serve groups of people, including but not limited to: hospitals, schools, nursing homes, libraries and governmental offices.

Newspapers shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled, wet or yellowed.

Oil shall mean all used motor oils from individuals changing oil from cars, lawn mowers, motorcycles, and other motorized vehicles and machinery. Expressly excluded are transmission fluids, brake fluids, kerosene, gasoline, and any oil degreasers or solvents.

Person shall mean every owner, lessee and occupant of a residence, commercial or institutional establishment within the boundaries of the Borough of Point Pleasant.

Plastics shall mean any plastic beverage container which would include PET bottles, plastic milk containers, cider, soda and water containers. Expressly excluded are all other forms of plastics.

Recyclable Materials shall mean those materials which would otherwise become municipal solid waste, and which may be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.

Residence shall mean any occupied single, duplex, apartments or multi-family dwellings from which a municipal or private hauler collects solid waste.

Solid Waste shall mean garbage, refuse, and other discarded solid material normally collected by a municipal or private hauler.

(Ord. #843, S 2)

12-4.3 Establishment of Program. There is hereby established a program for the mandatory separation of the following recyclable materials from the municipal solid waste stream by all persons within the Borough of Point Pleasant, hereinafter referred to as the “Municipality”:

a. Aluminum cans;
b. Ferrous containers;
c. Glass containers;
d. Plastic containers;
e. Newspapers;
f. Used oils;
g. Tires. 
(Ord. #843, S 3; Ord. #95-14, S 1)

12-4.3A Separation of Cardboard Boxes. There is hereby established a program for the mandatory separation of cardboard boxes from the municipal solid waste stream by all commercial businesses within the Borough of Point Pleasant. (Ord. #843, S 4)

12-4.4 Separation of Recyclables and Placement for Disposal.

a. The recyclable materials designated in subsection 12-4.3 of this section, excluding newspapers and oils, shall be put in a suitable container, separate from other solid waste, and placed at the curb or such other designated area for collection at such times and dates as may be herein established in the municipality's recycling regulations. The container for recyclable materials shall be clearly labeled and placed at the curb or other such designated area for collection.

b. Newspapers shall be bundled and tied with twine or placed in a kraft paper (brown paper) bag and placed at the curb or other designated area for collection at such times and dates as are established in the municipality's recycling regulations. The maximum weight of each bundle of newspaper shall not exceed thirty (30) pounds (approximately twelve (12") inches high).

c. Oil. It shall be unlawful to dispose of used motor oil in any manner other than through an authorized "used oil collection site" as per this section. On and after the adoption of this section, and in accordance with existing State regulations (N.J.A.C. 14A:3-11), any person or property with "used oil holding tanks," as designated by the Recycling Coordinator, shall accept up to five (5) gallons at a time of "used motor oil from individuals changing oil from cars, lawn mowers, motorcycles, and other motorized vehicles and machinery," and shall post a sign informing the public that they are a "used oil collection site." No new persons or sites will be established except by written authorization of the Recycling Coordinator and with the approval of the Mayor and Council.

d. Cardboard boxes shall be cut open, bundled and tied. Commercial establishments shall make arrangements to dispose of their cardboard boxes in accordance with subsection 12-4.6 of this section.

e. Refrigerators, freezers, air conditioners, and other freon containing devices are valuable recyclable commodities. All homeowners and businesses within the Borough of Point Pleasant must produce for the Department of Public Works a certification from a Department of Environmental Protection and Energy recognized freon disposal company that the freon containing device has been inspected and all existing freon has been safely removed. The Department of Public Works of the Borough of Point Pleasant, upon receiving such letter of certification from any homeowner within the Borough of Point Pleasant shall issue a notice to be affixed to the appliance in question notifying Department of Public Works collectors that the item is freon free and suitable for disposal.

f. Tires. All tires to be disposed of by the residents must be brought to the Point Pleasant Borough Department of Public Works at the James T. Clayton Public Works Facility on Albert E. Clifton Avenue where they will be accepted only after a one ($1.00) dollar fee per tire has been paid to the Borough of Point Pleasant and sufficient proof of payment has been presented to the Recycling Coordinator or his designee. 
(Ord. #843, S 4; Ord. #93-18, S 1; Ord. #95-14, S 2)
12-4.5 Separation of Leaves and Placement for Disposal. All persons within the municipality shall, from the period at such times and dates as may be hereinafter established in the municipality's recycling regulations of each year, separate leaves from other solid waste generated at the premises and, unless the leaves are stored or recycled for composting or mulching on the premises, place the leaves at the curb or other designated area for collection at such times and dates and in the manner established by the municipality's recycling regulations. (Ord. #843, S 5)

12-4.6 Alternative Collection of Recyclable Materials. As an alternative, any person may donate or sell recyclable materials to authorized person, persons, partnerships, organizations or corporations as established by the guidelines of this section.

The Governing Body may authorize qualified person, persons, partnerships, organizations or corporations to collect recyclable materials as defined in subsections 12-4.3, 12-4.4 and 12-4.5.

Those authorized person, persons, partnerships, organizations or corporations may sell collected recycled materials to markets. Said person, persons, partnerships or corporations shall provide to the Borough of Point Pleasant tipping receipts on a monthly basis. Failure to comply with this provision shall constitute a violation of this section and shall be subject to penalties provided under this subsection of this section. Furthermore, any violations of this section may result in the revocation of said license hereinafter stated.

Any person, persons, partnerships, organizations or corporations interested in collecting recyclable materials shall make application to the Borough of Point Pleasant for the authorized persons license. An application fee of twenty-five ($25.00) dollars shall be charged for the processing of said application. Upon receipt of application the Recycling Coordinator shall review and make recommendations to Borough Council for the approval or denial. Any rejections of said application will provide cause for a full refund of application fees. (Ord. #843, S 6)

12-4.7 Collection by Unauthorized Persons. It shall be a violation of this section for any unauthorized person, persons, partnerships, organizations or corporations to collect, pick up or cause to be collected or picked up within the boundaries of the Municipality any of the recyclables designated in subsections 12-4.3, 12-4.4 and 12-4.5 of this section. Each such collection in violation of this section shall constitute a separate and distinct offense punishable as hereinafter provided. (Ord. #843, S 7)

12-4.8 Enforcement and Administration. The Municipality, Recycling Coordinator, and Superintendent of Public Works are hereby authorized and directed to establish and promulgate reasonable regulations detailing the manner, days and times for the collection of the recyclable materials designated in subsections 12-4.3, 12-4.4 and 12-4.5 of this section and such other matters as are required to implement this section. Such regulations shall take effect only upon approval of the Borough Council by adoption of a resolution implementing same. The Recycling Coordinator, Superintendent of Public Works, and Code Enforcement Officer and such other persons as designated by the Recycling Coordinator, with approval of Council by resolution, are hereby authorized and
directed to enforce the provisions of this section and any implementing regulations adopted hereunder. (Ord. #843, S 8)

12-4.9 Violations and Penalties.

a. Any person, firm or corporation violating the provisions of subsection 12-4.6 of this section shall be subject to a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars and/or the imprisonment of up to thirty (30) days for each offense.

b. Any person, firm or corporation violating any provision under this section other than subsection 12-6.6, or any regulations adopted hereunder, shall be subject to a fine of not less than twenty-five ($25.00) dollars for a convicted first offense, not less than one hundred ($100.00) dollars for a convicted second offense and up to but no more than five hundred ($500.00) dollars for each convicted separate offense.

c. No action shall be taken to enforce the provisions of subsections 12-4.3, 12-4.4 and 12-4.5 of this section until three (3) months after the effective date of the promulgation of the regulations authorized hereunder.

d. Each and every day in which a violation of any of the provisions of this section exists shall constitute a separate offense.

(Ord. #843, S 9)

12-4.10 Severability. If any section, sentence or any other part of this ordinance is adjudged unconstitutional or invalid by a court of a competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this section but shall be confined in its effect to the section, sentence or other part of this ordinance directly involved in the controversy in which such judgment shall have been rendered. (Ord. #843, S 10)

12-4.11 Inconsistent Ordinances Repealed. All ordinances or parts of ordinances which are inconsistent with the provisions of this section are hereby repealed to the extent of such inconsistency. (Ord. #843, S 11)

12-4.12 Reserved.

12-4.13 Reserved.

12-4.14 Reserved.

12-4.15 Effective Date. This section shall take effect sixty (60) days after final adoption or October 1, 1988 or upon formal adoption of the rules and regulations by the Recycling Coordinator as required by this section, whichever date shall first occur. (Ord. #843, S 12)

12-4.16 Jack Glass Recycling Facility and Leaf Drop-Off Site.

a. Location of Facilities. Recycling Drop-Off and Collection Facility, known as the “Jack Glass Recycling Center”, Block 169, Lots 27 and 30. The Oakwood Leaf Drop-Off Facility, Block 173, Lot 23.
b. Hours Of Operation. All Borough designated Recycling Facilities or Drop-Off sites shall be open: Monday - Friday 8:00 - 4:00 p.m. Saturdays from 9:00 a.m. - 3:00 p.m. Closed Sundays and Holidays.

c. Violations and Penalties. The enforcing Authority for this subsection shall be all Police Officers of the Borough: Code Enforcement Officer; Recycling Coordinator and any other Facility monitors as shall be necessary for the proper policing of the Facilities. Any person, firm, corporation or association violating the terms of this section, whether as Principal, Agent or Employee of another, shall be subject to a fine not to exceed five hundred ($500.00) dollars, or imprisonment in jail for a term not exceeding ten (10) days, or both, at the discretion of the Court. To provide visible public clean-ups as an alternative to the fines identified herein, any person, firm, corporation or association found to be in violation of this section, may, at the discretion of the local judicial system, opt to participate in any alternative sentencing program through participating in a community service program designed for local public property cleanup. The nature and duration of this participation will be equivalent to the severity of the fine levied by the Courts.

(Ord. #848A, SS 1-3)

12-5 DELIVERY OF UNSOLICITED PUBLICATIONS.

12-5.1 Preamble. The Borough Council has determined that it must establish standards for the delivery of unsolicited printed materials, so as to reduce littering problems associated therewith. (Ord. #810, S 1).

12-5.2 Definitions. As used in this Section:

Receptacle shall mean a storage or collection receptacle, including but not limited to, a newspaper tube, box or other device that will prevent material from being blown away by the elements.

Porch or Entranceway shall mean an area immediately adjacent to the structure, which will give protection to delivered materials and prevent same from being blown by wind.

Unsolicited Publications shall mean any newspaper, circular, leaflet, pamphlet, booklet, advertising paper; or any other printed literature which is delivered free of charge to a location in the Borough; and, without request of the owner, tenant or occupant of the location.

12-5.3 Permitted Method of Distribution. The delivery of unsolicited publications shall be permitted only in the manner prescribed below:

a. To individuals: By handing such materials to them, personally.

b. To dwelling units, business establishments and other structures: By leaving such materials on the porch or entranceway to said structure in a secure manner, so as not to be blown away by the elements; or by placing such materials in a receptacle designated by the property owner, tenant or occupant to receive same.

c. An application may be made to the Mayor for a special license to deliver unsolicited publication materials anywhere within the boundary lines of real property owners. Upon receiving such application, the Mayor shall seek
authorization from the Council to grant approval of such application and such authorization shall not be unreasonably withheld. The Mayor, with consent of Council, shall designate a specific time period for the delivery of unsolicited publication materials but in no event shall such time period exceed ninety (90) days.

(Ord. #810, S 3; Ord. #844, S 1)

12-5.4 Violations and Penalties. Any person who violates, or neglects to comply with, these regulations shall, upon conviction thereof, be subject to a penalty as established in Chapter I, Section 1-5, for each and every violation. (Ord. #810, S 4)

12-5.5 Enforcement. It shall be the duty of the Zoning and Code Enforcement Officer to enforce this Section; and to prosecute all violations thereof. (Ord. #810, S 5)

12-6 MAINTENANCE OF BOROUGH'S RIGHT-OF-WAY.

12-6.1 Responsibility for Maintenance. All real property owners within the Borough of Point Pleasant Borough shall be responsible for maintenance and upkeep of the Borough's right-of-way, which is located at the front of the property, up to the curbline, and on corner lots on the side of the property, up to the property line. The maintenance of the right-of-way shall include but is not limited to maintenance of sidewalks and grass. (Ord. #1996-12, S 2)

12-6.2 Violations and Penalties. Any person who violates or neglects to comply with these regulations shall, upon conviction thereof, be subject to a penalty as established in Chapter I, Section 1-5, for each and every violation. (Ord. #1996-12, S 2)

12-6.3 Enforcement. It is the duty of the Code Enforcement Officer to enforce this Section; and to prosecute all violations thereof. (Ord. #1996-12, S 2)
CHAPTER XIII
PROTECTION OF SHADE TREES

13-1 DEFINITIONS.

As used in this Chapter:
Tree shall mean any living deciduous tree having a trunk of a diameter greater than two and one-half (2\1/2”) inches, any living coniferous tree having a diameter greater than two (2”) inches, and any holly having a diameter greater than one (1”) inch, measured at a point four and one-half 4\1/2’) feet above the existing grade.
(Ord. #515, S 97-1)

13-2 PERMIT REQUIRED FOR CERTAIN ACTS.

It shall be unlawful and a violation of the provisions of this Chapter for any person to do any of the following acts to any tree growing in the Borough without having obtained a permit as provided in this Chapter:

a. Cut, break, damage, remove or kill.

b. Cut, disturb or interfere in any way with any root.

c. Spray with any chemical which may be injurious to the tree.

d. Place or distribute chemicals, including but not limited to salt, deleterious to tree health.

e. Maintain a stationary fire or device which vaporizes innocuous fumes deleterious to tree health.

f. Disturb soil in any manner that will disturb the root systems.
(Ord. #515, S 97-2)

13-3 APPLICATION FOR PERMIT.

Application for a permit shall be made directly to the Zoning and Code Enforcement Officer and shall contain:

a. The name and address of the applicant.

b. The location of the property.

c. A plot plan where any building(s) is to be erected.

d. The name and address of the property owner if other than the applicant.

e. The number, type and location on the property of the tree or trees sought to be cut, removed or destroyed.

f. The purposes for which the application is being made.
g. A statement by the applicant setting forth the total number of trees on the same lot or tract for which he has been previously granted permits and the dates the permits were issued.
(Ord. #515, S 97-3)

13-4 ALLOWABLE REASONS FOR REMOVING OR CUTTING TREES.

The following shall be legitimate but not exclusive reasons for the removal, cutting or destruction of a tree:

a. Hardship or danger to adjacent property.

b. Removal of diseased or damaged trees.

c. Transplanting or removal in a growing condition to other locations.

d. Installation of utilities or drainage of surface water.

e. If the trees are on areas to be occupied by buildings, driveways or recreation areas and are within a distance of fifteen (15’) feet from the perimeter of the building(s).

f. If the trees are on areas with cuts or fills of land considered injurious or dangerous to the trees.
(Ord. #515, S 97-4)

13-5 PERMIT FEES.

a. The permit fee for trees located on a residential building lot shall be two ($2.00) dollars per tree, up to a maximum of ten ($10.00) dollars per lot, and two ($2.00) dollars per tree, up to a limit of forth ($40.00) dollars per acre for any other area.

b. No fees shall be charged for living trees transplanted to a suitable habitat.
(Ord. #515, S 97-5)

13-6 PROCEDURE FOR ISSUANCE OF PERMIT.

a. If a site plan is required, then the procedure in paragraph b. shall be followed. If a site plan is not required, then the Zoning and Code Enforcement Officer may issue a permit for the removal of the tree or trees.

b. If the total number of trees an applicant desires to remove, cut or destroy, when added to the previous number of trees permitted to be removed, cut or destroyed on the same tract or lot of land is greater than five (5), then prior to the issuance of a permit, the following procedures must be followed:

1. The lands covered by each application shall be viewed by the Borough Engineer, who shall inspect the trees which are the subject of the application as well as other physical conditions existing on the property.
2. The Borough Engineer, after viewing the lands in question, shall submit a report to the Zoning and Code Enforcement officer along with his recommendation as to whether the application should be approved or disapproved.

3. The Borough Engineer shall include in his report the estimated effect that the removal of the trees will have on soil erosion, dust and costs to control drainage. Additionally, the Borough Engineer should consider whether or not the destruction, cutting or removal would impair the growth and development of the remaining trees on the applicant’s property or the adjacent properties, would lessen property values in the neighborhood and would substantially impair the aesthetic value of the area.

4. Within five (5) days after receipt of the Borough Engineer’s report, the Zoning and Code Enforcement Officer shall notify the applicant, in writing, of the date, time and place of a hearing regarding his application, which hearing date shall not be later than fifteen (15) days after the Zoning and Code Enforcement Officer receives the Borough Engineer’s report.

5. Along with the Zoning and Code Enforcement Officer, the Borough Engineer and a member of the Environmental Commission, who shall be chosen by the members of the Environmental Commission, shall participate in the hearing. The applicant may present any evidence which he deems relevant to his application, and all parties claiming an interest in the proceeding may be heard.

6. Approval or disapproval of the application will be determined by a majority vote of those officials participating in the hearing. The applicant will be notified, in writing, within five (5) days of the determination and the reasons therefor.
(Ord. #515, S 97-6; New)

13-7 EXCEPTIONS TO PERMIT REQUIREMENTS.

Permits shall be required to do any of the acts enumerated in Section 13-2, except in the following cases:

a. For any tree located on a tract of land one (1) acre or less in size which is being used exclusively for residential purposes. Vacant land which is zoned or intended for residential use shall be covered by permit.

b. For any tree growing on property actually being used as a tree nursery, garden center or orchard.
(Ord. #515, S 97-7; New)

13-8 VIOLATIONS AND PENALTIES.

Each tree cut, damaged or destroyed in violation of this Chapter shall be deemed to be a separate and distinct violation. Any person violating any of the provisions of this Chapter shall be liable to the penalty as established in Chapter I, Section 1-5. (Ord. #515, S 97-8)
CHAPTER XIV
PERSONNEL

14-1 PURPOSE.

14-1.1 Purpose.
The purpose of this Chapter is to prescribe procedures and rules to provide a modern, efficient personnel system based upon merit and fitness and to insure that applicants and employees are treated fairly and impartially. (Ord. #790, A 1)

14-2 CIVIL SERVICE ACT.

14-2.1 Adoption of Civil Service Act by Council and by Voter’s Referendum.
The provisions of the Civil Service Act of the State of New Jersey, Title II of the Revised Statutes of the State of New Jersey, having been adopted by the voters of the Borough of Point Pleasant at the election held on the Third Day of November, 1959, shall govern all classified employees of said Borough. (Ord. #790, A 2)

14-3 DEFINITIONS.
For the purpose of this Code:

Full Time Employee shall apply to those who work for full business day and full business week.

Part Time Employee shall apply to those who work less than a full business day and/or full business week.

Permanent Employee shall apply to those who have attained recognition of status from the New Jersey Civil Service Commission.

Probationary Employee shall apply to those who have been appointed to a position pending an examination and completion of a working test period.

Seasonal Employee shall apply to those who work only for a specified period or season of the year.

Temporary Employee shall apply to those who have been appointed to a temporary position for not more than four (4) months. (Ord. #790, A 3)

14-4 PERSONNEL POLICY.

14-4.1 Declaration of Policy.
The Council does hereby declare the following principles to constitute the personnel policy of the Borough:

* Editor’s Note: The Salary Ordinance is on file in the office of the Borough Clerk.
a. The New Jersey State Civil Service Law and Rules which shall be applicable to municipalities in the State shall provide the basic framework for employment in the Borough government.  

b. Employment in the Borough government shall be based on merit and fitness free of personal and political considerations.

c. Just and equitable incentives and conditions shall be established and maintained in order to promote efficiency and economy in the operation of the Borough government.

d. Positions with comparable duties and responsibilities shall be classified and compensated on a uniform basis.

e. Appointment, promotions and other personnel actions requiring the application of the merit principle shall be based on systematic tests and evaluations of knowledge and performance, and where appropriate, these shall be carried out through the Borough’s participation in the New Jersey State Civil Service system.

f. Every effort shall be made to stimulate high morale by fair administration of this Chapter and by consideration of the rights and interest of employees, consistent with the best interests of the public and the Borough.

g. Continuity of employment shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work and availability of funds.

h. Point Pleasant shall not discriminate in its employment practices on the basis of race, color, religion, age, sex, ancestry or national origin.

(Ord. #790, A 4)

14-4.2 Power to Appoint and Set Salaries.

a. All appointments for which no other provisions are made by or pursuant to law shall be made by the Mayor with the consent of the Council pursuant to N.J.S.A. 40:87-16.

b. Each appointing authority shall set the salary of its appointees by resolution.

c. In the case of appointments consented to or made by the Council, no salary shall be fixed except by the vote of a majority 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 on such matters except in the case of a tie.

(Ord. #790, A 4)

14-4.3 Allocation of Offices and Positions to Classified to Unclassified Service.

1 State Law Reference: As to State Civil Service law generally, see N.J. S.A. 11:1-1 et seq.
a. All offices and positions of the Borough shall be and are hereby allocated to the classified service and unclassified service.

b. The unclassified service shall include the following:

1. All elected officials and members of citizen boards and committees;

2. Municipal Administrator, Clerk, Deputy Clerk, Borough Assessor, Collector of Taxes, Director of Welfare, Treasurer, Judge of Municipal Court, Attorney for the Planning Board, Attorney for the Board of Adjustment and Borough Attorney;

3. Volunteer personnel and personnel appointed to service without compensation;

4. Consultants and counsel rendering temporary professional service; and

5. All other offices or positions that are so listed as unclassified by N.J.S.A. 11:22-2.

c. The classified service shall include all other positions in the Borough’s service that are not specifically placed in the unclassified service by statute or which are not excluded from the classified service by N.J.S.A. 11:22-2.

(Ord. #790, S 4)

14-4.4 SBI Check.
Any person making application for employment with the Borough shall be required to submit to a criminal history check by the State Bureau of Identification, and fingerprinting, which shall be processed by the Borough of Point Pleasant Police Department. (Ord. #873, S 1)

14-5 CLASSIFICATION PLAN.

14-5.1 Establishment.

a. The Municipal Administrator shall make or cause to be made an analysis of the duties and responsibilities of all full-time positions in the Borough except his own position.

b. He shall recommend to the Council a position classification plan. The salary and wage schedule adopted by Council shall identify the position classification. Within thirty (30) days after adoption of such salary and wage schedule, the Municipal Administrator shall assign each employee to an appropriate class in accordance with such schedule and with the approval of the Civil Service Department of the State of New Jersey.

(Ord. #790, A 5)

14-5.2 Basis of Position Classification.2

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2 State Law Reference: As to classification of employees, standards of salaries or wages, see N.J.S.A. 11:24-1 et seq.
a. Each employee shall be assigned or allocated to an appropriate job classification on the basis of the kind and level of his duties and responsibilities to the end that all positions in the same job class shall be sufficiently alike to permit the use of a single descriptive title, the same tests of competence and the same salary range, thus carrying out the basic principle of classification which is equal pay for equal work.

b. A job class may contain one (1) position or a number of positions. The Municipal Administrator shall from time to time review the job classes and submit a report thereof to the Council.

(Ord. #790, A 5)

14-5.3 Change in Classification Plan.

a. The position classification plan may be amended from time to time by the Council. Such changes may result from the need for creating new positions, changes in organization, or changes in assigned duties and responsibilities.

b. The Municipal Administrator shall review all requests for creation of new positions, the abolition or consolidation of present positions, reclassification of positions to different job classes, or the reallocation of positions to new salary ranges. In such review, he shall study the current duties and responsibilities of the position concerned and take appropriate action, with the approval of the Civil Service Department of the State of New Jersey, necessary to insure the correct classification and allocation of the position.

c. Each Department Head shall report to the Municipal Administrator any changes in his organization or assignment of duties and responsibilities to a given employee which would result in changes in the position classification plan or in the classification of any of the positions in his department.

d. An employee may submit a request in writing to the Municipal Administrator at any time for a review of the duties and responsibilities of his position. Such a request shall be submitted through his Department Head and shall include the employee’s own description of his current duties and responsibilities. the Municipal Administrator shall then make an investigation of the position to determine his correct allocation. He shall report his findings in writing to the Council and furnish a copy to the employee requesting the review and to his Department Head.

(Ord. #790, A 5)

14-6 PAY PLAN.

14-6.1 Classification, Salary and Wage Schedules.

a. The schedules of positions, salary and wage ranges of Borough personnel, the amendments and supplements thereto, are hereby adopted by reference and made a part of this Code with the same force and effect as though set forth in full herein.

b. At least three (3) copies of such schedules shall be maintained on file in the Office of the Clerk for the use and inspection by the public.

(Ord. #790, A 6)
14-6.2 Notice to Employee of Pay and Salary Range, Basis for Further Increase.

a. After each class or position has been assigned to a salary range and the pay plan and rules for its administration have been approved by the Council, each employee shall be advised of his rate of pay and the salary range to which his position title has been assigned. When an employee attains the maximum rate of this salary range for his position, he shall not receive further salary increases, unless:

1. His position is reclassified;
2. He is promoted to another position having a higher salary range;
3. His position’s salary range is increased;
4. He is given a longevity increase; or,
5. A general salary increase is granted to all employees.

(Ord. #790, A 6)

14-6.3 New Appointments.

a. A new employee shall be paid at the minimum of the approved salary range for the position to which he is appointed.

b. In exceptional cases, an employee may be appointed at a rate above the minimum, but not in excess of one (1) step below the maximum.

(Ord. #790, A 6)

14-6.4 Demotions.

An employee demoted for disciplinary reasons to a job class having a lower salary range, shall receive such salary as the appointing authority shall specify. Such salary shall not exceed the maximum step of the lower salary range. (Ord. #790, A 6)

14-6.5 Reinstatement.

When an employee is reinstated following a layoff for reasons of economy to a position in the same classification, he will enter the position at the same step in the salary range as he held prior to being laid off. Except for the period of time of the layoff, his service will be considered continuous for the purposes of promotion, seniority, layoff and vacation. (Ord. #790, A 6)

14-6.6 Reemployment.

a. When an employee is reemployed following a resignation in good standing to a position in the same classification, he will enter the position at a salary step, within the appropriate range, as determined by the Council.

b. At the discretion of the Council, his service may be considered continuous for purposes of vacation. In no case shall service be considered continuous for purposes of promotion, seniority or layoff.
c. In the case of reemployment within two (2) years of a resignation in good standing, an employee may be rehired at the same title without examination by the Civil Service Department of the State of New Jersey, provided no promotional or special employment lists exist for the title.

(Ord. #790, A 6)

14-6.7 Transfer.
If an employee is transferred or reassigned into another Department within the Borough service, his service will be considered continuous for the purposes of promotion, seniority, layoff and vacation. (Ord. #790, A 6)

14-6.8 Pay Periods, Computation.

a. The Borough normally shall pay its employees on a biweekly payroll schedule, that is, once in every two (2) weeks, or a total of twenty-six (26) times annually. Each payroll period shall consist of ten (10) working days, so that the daily rate of pay of each employee normally shall be 1/260 of his annual salary.

b. The hourly rate shall be computed by dividing the weekly rate by the number of hours in the employee’s prescribed workweek.

(Ord. #790, A 6)

14-6.9 Deductions for Leave Without Pay.
Deductions in salary for leave without pay shall be computed on the basis of hourly rate as prescribed in subsection 14-6.8 (Ord. #790, A 6)

14-6.10 Salary Increments.

a. A salary increment may be granted to an employee when it is certified to the Municipal Administrator in writing by the Department Head, and to the appointing authority by the Municipal Administrator, that based on an evaluation of the employee’s performance, a salary increment is justified. Salary increments are not automatic and will only be granted when the employee’s performance evaluation is satisfactory or better.

b. The Department Head may recommend to the Municipal Administrator and to the appointing authority the withholding or denying of an increment based on an evaluation of the employee’s performance. If the increment is withheld, the employee’s performance should be reevaluated during the year. If the second evaluation shows the employee’s performance has improved sufficiently, the increment may be reinstated either retroactively or at any point in the year as may be approved by the appointing authority.

c. In addition to the provision for a merit increment a limited number of employees rated as outstanding may be rewarded with an additional stipend. The decision for such a reward will be made by the Council based on recommendations of the Municipal Administrator. Such decisions by the Council will be based on:

1. The content of the supervisor’s evaluation.
2. The employee’s employment record over the year being evaluated, and
3. An equitable distribution of the additional merit stipend by department and salary grade within the Borough work force;

4. Availability of funds.

d. If an employee’s position is upgraded or if an employee is promoted, the new salary shall be set at the next highest salary in the higher grade provided that the increase shall be no less than five (5%) percent.

e. Salary increments which are granted shall take effect on the first day of the month of the employee’s anniversary.

(Ord. #790, A 6)

14-7 APPOINTMENTS: COMPETITIVE EXAMINATIONS: PERMANENT STATUS.

14-7.1 Basis for Original Appointments; Qualifications.

a. All candidates for employment by the Borough shall be citizens of the United States and residency preference shall be granted in conformance with the provisions of Section 14-18.

b. Original appointments to vacancies in the Borough shall be based upon merit, fitness and ability which shall be determined by competitive examinations insofar as practicable. The appointments shall be in accordance with the Civil Service Rules of the State of New Jersey.

c. An applicant for employment may be rejected when he:

1. Is not qualified for the position.

2. Is physically unfit for the position.

3. Is addicted to the habitual or excessive use of drugs or intoxicants.

4. Has been convicted of any crime which has not been expunged, including disorderly persons offenses involving moral turpitude, when the crime relates adversely to the position for which he or she has applied and will not preclude denial of employment for job related reasons.

5. Has been dismissed from previous employment for delinquency, insubordination or misconduct.

6. Has practiced or attempted to practice any deception or fraud in his application or in furnishing other evidence of eligibility for appointment.

7. Is not within age limits established for the position.

(Ord. #790, A 7)

14-7.2 Temporary Appointments, Filling Vacancies.

In the absence of an appropriate list or for the filling of temporary or seasonal positions, or temporarily in the case of emergencies, vacancies may be filled by temporary appointments by the appointing authority. Such temporary
appointments shall have a maximum duration of four (4) months. (Ord. #790, A 7)

14-7.3 Provisional Appointments.

a. Pending the establishment of an appropriate eligible list, vacancies in permanent competitive positions may be filled by provisional appointments. Such appointments shall continue only until an appropriate eligible list is established.

b. Such provisional employees must possess minimum qualifications established for the vacant positions. 
(Ord. #790, A 7)

14-7.4 Physical Examination and Background Check.

a. The Municipal Administrator may require any job applicant to submit to a physical examination by a physician designated by the Borough.

b. At its discretion, the Council may require psychological and psychiatric examinations by a psychologist or psychiatrist.

c. A criminal history and employment background check shall be performed on all persons recommended for appointment.
(Ord. #790, A 7)

14-7.5 Probationary Period; Right of Suspension or Dismissal.

a. Except for police officers, all employees appointed permanently to the classified service shall serve a probationary period of three (3) months. During the probationary period, the appointing authority may discontinue the service of such employee if, in its opinion, the employee is unwilling or unable to perform the duties of his position in a satisfactory manner, or if the employee is of such reputation and habits as not to merit continuance in the service of the Borough. In every case the appointing authority shall notify the employee in writing of the discontinuance and of the Department of Civil Service of the State of New Jersey.

b. Between the fortieth (40th) and fiftieth (50th) day and between the eightieth (80th) and ninetieth (90th) day of a probationary period, the Department Head shall make, or cause to be made, written evaluations of the employee’s performance to date. One (1) copy of each evaluation must be presented to the Borough Administrator.

c. A three (3) month probationary period shall also pertain to an employee promoted permanently to a higher classification. Such probationary status will in no way affect the rights and status in the original or lower classification.

d. Each new police officer shall be required to satisfactorily complete a basic Police Training Program recognized by the New Jersey Police Training Commission during the first year and prior to receiving a permanent appointment. The probation period for police officers shall be one (1) year following the completion of the Training Program.
(Ord. #790, A 7)
14-7.6 Permanent Employment Status after Probationary Period; Removal.

a. Classified employees who satisfactorily complete their probationary period shall have permanent employment status, conditioned upon good behavior and satisfactory job performance.

b. They shall be subject to removal by the appointing authority only for cause or for reason of economy or efficiency, after proper notice and the opportunity to be heard, as set forth under the Civil Service Rules of the State of New Jersey. (Ord. #790, A 7)

14-8 PROMOTIONS.

14-8.1 Promotions and Upgrades.

a. Promotion means an advancement to a new classification having:
   1. New duties of greater difficulty and responsibility.
   2. A salary grade with higher maximum.

b. Upgrade means advancement to a new salary grade resulting from:
   1. Reevaluation of the duties and responsibilities of the position in relation to comparable classifications.
   2. The assignment of some additional responsibilities to the position. (Ord. #790, A 8)

14-8.2 Permanent Promotions.

a. Vacancies shall be filled by utilizing competitive promotional examinations, in accordance with the Civil Service Rules of the State of New Jersey.

b. Where the appointing authority, after consultation with the New Jersey Civil Service Department, finds that no employee is qualified for promotion to the vacancy, the appointing authority may order a competitive examination, open to candidates outside the Borough’s employ. In post-examination selection, the appointing authority shall give appropriate consideration to the applicant’s qualifications, record of past performance, and the length and quality of his service, as well as any veteran’s preference rights to which he may be entitled.

c. Selection shall be made from the top three (3) interested candidates, as determined by the examination process of the Civil Service Department of the State of New Jersey. (Ord. #790, A 8)

14-8.3 Provisional Promotions.

Pending the availability of a suitable eligibility list, the Council may fill vacancies by a provisional promotion. (Ord. #790, A 8)
14-8A EMPLOYEE PERFORMANCE EVALUATION.

14-8A.1 Personnel Evaluation System.

a. The Municipal Administrator shall develop, design, and put into effect, a personnel evaluation system that will document the performance of all Borough employees, except for sworn police personnel. (Ord. #790, A 8A)

14-9 HOURS OF WORK.

14-9.1 Hours.

a. The normal and full business work week for managerial and clerical employees shall be thirty-two (32) hours, 8:30 a.m. to 4:00 p.m., Monday through Thursday and 9:00 a.m. to 4:00 p.m. on Friday.

b. The normal and full business work week for Public Works managerial and blue collar workers shall be forty (40) hours, 7:30 a.m. to 4:00 p.m., Monday through Friday.

c. The normal and full business work week for sworn Police employees shall be forty (40) hours.

d. The hours for particular employees may vary depending upon Borough needs. 
   (Ord. #790, A9; Ord. #96-26, S 1)

14-10 LEAVES AND HOLIDAYS.

14-10.1 Unionized Employees. Unionized employees shall be entitled to such holidays and vacation, sick and personal and compensatory leave as may be negotiated by their respective employee groups. (Ord. #790, A 10)

14-10.2 White-Collar Non-Unionized Employees.

a. White-collar, non-unionized employees shall be entitled to the same holidays and vacation, sick, personal leave as may be negotiated by the Clerical Workers Union.

b. White-collar, non-unionized, managerial employees shall not be entitled to overtime payment; however, compensatory time calculated on a straight-time basis may be given at the discretion of the Administrator.
   (Ord. #790, A 10; Ord. #878, S 1; Ord. #880, S 1)

14-10.3 Public Works Managerial Employees.

a. Supervisors in the Department of Public Works shall be entitled to the same holidays and vacation, sick and personal leave and overtime benefits as may be negotiated by the employee group representing non-managerial, blue collar employees in the department.

b. The Superintendent and Assistant Superintendent of Public Works shall be entitled to the same leave benefits as the supervisors, but they shall not be entitled to overtime payments. However, compensatory time may be given at the discretion of the Administrator.
14-10.4 Vacation Leaves; Accumulation.

a. Permanent part-time employees are eligible for vacation leave on a prorated basis. Temporary part-time and seasonal employees shall not be eligible for vacation leave.

b. An accumulative total of no more than five (5) vacation days may be carried over to a subsequent year unless special permission is given by the Council.

c. Vacation leave shall be scheduled subject to the approval of the employee’s supervisor.

(Ord. #790, A 10)

14-10.5 Vacation Leave; Compensation.

a. At the time of separation from service, the employee shall be entitled in time or in pay to any full days’ vacation accumulated and not previously used within the prior calendar year. If the employee has used anticipated, but unearned, vacation leave he must make compensation for the time used.

b. Employees may not be paid for vacation leave earned and not used, except at the termination of employment or with the approval of the Council.

(Ord. #790, A 10)

14-10.8 Sick Leave, Eligibility.

a. As used herein, sick leave means paid leave that may be granted to each full-time classified and unclassified Borough employee who through sickness or injury becomes incapacitated to a degree that makes it unreasonable for him to perform the duties of his position or who is quarantined by a physician because he has been exposed to a contagious disease.

b. Part-time permanent employees are eligible for sick leave on a prorated basis. Temporary part-time and seasonal employees are not eligible for sick leave.

(Ord. #790, A 10)

14-10.9 Sick Leave.

a. In the first calendar year of employment, full time employees shall be entitled to one (1) day of sick leave for each month of employment. Every year, thereafter, full time employees shall be entitled to fifteen (15) sick days per year.

b. Sick leave can be accumulated without limit during each employee’s length of service.

(Ord. #790, A 10)

14-10.10 Compensation for Unused Sick Time.

a. An employee completing a minimum of ten (10) years of full time employment with the Borough who has accumulated sick time shall be entitled to same upon termination of employment with the Borough upon the conditions set forth in this Section.
b. Compensation for accumulated sick time shall be paid at the pay rate in effect as of the employee’s retirement date. (Ord. #567, S71-2)

c. Employees shall notify the Borough Council by December of the year prior to retirement so that the Borough can properly budget the funds. Thereafter, payment shall be made in a lump sum to an employee within thirty (30) days after the final adoption of the annual budget. Employees may receive accumulated sick time as provided above, or, upon request, employee may receive accumulated sick time within thirty (30) days after the final adoption of the borough’s annual budget during the year immediately following the date of retirement. (Ord. #567, S71-3)

d. In the event of the death of an employee, the accumulated sick time shall be paid over to employee’s beneficiary as designated in the employee’s pension file. (Ord. #567, S71-4)

e. In no event shall an employee be compensated for accumulated sick time in an amount greater than sixty percent (60%) of his annual salary (base salary plus longevity) as of the year of employment termination. (Ord. #567, S71-5)

f. An employee who is removed from the service for just cause, shall not be entitled to compensation for unused sick time, notwithstanding the above. (Ord. #790, A 10)

14-10.11 Medical Certificate.

a. When an employee is absent from work because of illness for more than three (3) consecutive days, his supervisor may require the employee to submit a certificate from a physician relating to his illness.

b. An employee who has been absent on sick leave for periods totaling fifteen (15) days in one (1) calendar year consisting of periods of less than five (5) days, shall submit acceptable medical evidence for any additional sick leave in that year unless such illness is of a chronic or recurring nature requiring recurring absences of one (1) day or less in which case only one (1) certificate shall be necessary for a period of six (6) months.

c. The Borough may require proof of illness of an employee on sick leave, whenever such requirement appears reasonable. Abuse of such leave shall be cause for disciplinary action.

d. The Municipal Administrator may schedule medical examinations for all Borough employees annually, or more frequently if required to determine whether an employee is capable of performing his normal duties. (Ord. #790, A 10)

14-10.12 Personal or Family Illness.

a. For purposes of sick or death leave, immediate family means the employee’s spouse, child, and his or his spouse’s parent or his brother or sister or any member
of the immediate household, or one standing in a similar relationship to such employee, as determined by the Borough Administrator.

b. Accumulated sick leave may be used by an employee for personal illness, or illness in his immediate family, (in which case it shall not exceed five (5) working days in one (1) calendar year without the approval of the Municipal Administrator), quarantine restrictions, pregnancy, or disabling injuries.
(Ord. #790, A 10)

14-10.13 Death in the Family Leave.

a. In the event of a death in the immediate family of the employee, an employee shall be entitled to not more than three (3) days leave with pay. In the event of the death of an employee’s aunt, uncle, first cousin, or grandparent, an employee shall be entitled to not more than one (1) day leave with pay. Such “death in the family” leave shall begin within five (5) days of the death in the immediate family.
(Ord. #790, A 10)

14-10.14 Special Leave and Jury Duty.

a. In the event that an employee wished to observe a religious or national holiday for which no regular holiday has been declared, he may charge the time off to accumulated vacation leave, provided he receives prior approval from his supervisor and the needs of the Borough permit it.

b. In the event that an employee is required to serve jury duty, he shall be paid his regular rate of pay upon presentation of proper evidence of jury service.
(Ord. #790, A 10)

14-10.15 Leaves of Absence: Result of Injury Resulting From or Arising Out of Employment; Reimbursement.

a. When a full time Borough employee other than a temporary, part-time or season employee is injured or disabled as a result of or arising out of his or her employment, the Department Head with the approval of the Municipal Administrator, may grant leave as deemed required by the Workmen’s Compensation Panel Doctor or the Borough Physician and as indicated in writing, for a period not exceeding one (1) year.

b. When a leave of absence has been granted pursuant to Paragraph (a) of this Section, the officer or employee shall not be charged with any sick leave time for time lost due to such particular injury or disability.

c. There shall be no accumulation of sick and vacation benefits after six (6) consecutive months use of job related sick and injury leave.

d. Any amount of salary or wages paid or payable to an employee shall be reduced by the amount of worker’s compensation awarded under New Jersey Worker’s Act for temporary disability or from a possible legal settlement from a judgment against the person or persons responsible for the injury. It shall be the responsibility of the Department Head to enforce such provisions, and, where necessary, an employee may be required to execute documents to implement this provision.
e. It shall be the obligation of any employee to return to work as soon as that employee has been advised by his treating physician or the physician for the Worker’s Compensation insurance carrier, or the Borough physician, that said employee is able to return to work to perform the functions of the employment position. The Borough may require that an employee out on disability leave present the Borough with a certification from a duly licensed physician that said employee is able to return to work to perform the duties of the employment position. The Borough shall also have the option to require that this certification be by the Borough physician.

f. The Borough may, at its option, require the employee to submit to an examination by the Borough physician to determine whether the employee may be able to perform said other functions of his employment position as will not jeopardize or endanger his health or otherwise exacerbate the occupational injury or disease which is the cause of the disability.

(Ord. #790, A 10)

14-10.16 Maternity Leave.

a. Maternity leave may be granted for a period of six (6) months, provided the request for such leave is made in writing to the Council no later than the fourth (4th) month of pregnancy.

b. This leave may be extended for an additional six (6) months with the approval of the appointing authority.

c. Such leave, if granted, shall be without pay. Under no circumstances, shall an employee work beyond the sixth (6th) month of her pregnancy.

(Ord. #790, A 10)

14-10.17 Military Leave.

a. Any full time employee or any part-time permanent employee who is a member of the National Guard, Naval Militia, Air National Guard, or a reserve component of any of the Armed Forces of the United States and is required to engage in field training, shall be granted a military leave of absence with regular pay for the period of such training as authorized by law. This paid leave of absence shall be in addition to his vacation. Permanent part-time employees shall receive pay for such leave on a prorated basis. The Department Head shall have such discretion as permitted by law to require that such leaves be scheduled so as not to unduly disrupt the Borough’s operation.

b. When a full time or part-time permanent employee has been called to active duty or inducted into the military or naval forces of the United States, he shall be granted an indefinite leave of absence without pay for the duration of such active military service, provided he does not voluntarily extend such service.

c. Each employee must be reinstated without loss of privileges, seniority, or pension rights if he reports for duty with the Borough within sixty (60) days following his honorable discharge from military service. It is requested he notify the Borough of his intent to report for duty thirty (30) days prior to his discharge from military service.

(Ord. #790, A 10)
14-10.18  Compensatory leave.

a. Compensatory leave, when granted, must be scheduled and used within ninety (90) days from the time earned, unless otherwise requested by the employee and approved by the Department Head.
(Ord. #790, A 10)

14-10.19  Leave Without Pay.

a. Leave without pay may be granted to full time and part-time permanent employees and to full time unclassified employees. Normally, it shall be granted only when the employee has used his accumulated sick and vacation leave in the case of illness, or his vacation leave or leave without pay is requested for reasons other than illness.

b. Written request for leave without pay must be initiated by the employee, favorably endorsed by the Supervisor and approved by the Council.

c. Such leave, except for military leave without pay, shall not be approved for a period of longer than six (6) months at one (1) time.
(Ord. #790, A 10)

14-10.20  Requests for Leave.

a. A request for any type of leave shall be made on a form prescribed by the Municipal Administrator and is subject to approval by an employee’s supervisor. Such request, whenever possible, shall be made far enough in advance to permit approval, and at the same time, to permit coverage for the particular employment so the Borough services will not suffer.

b. In the case of sick leave, the employee shall notify his supervisor no later than at the commencement of the work day.

c. Failure to file a request for leave on the appropriate form, or to notify the supervisor in the case of sick leave, may be cause of denial of use of paid leave for that absence and constitute cause for disciplinary action.
(Ord. #790, A 10)

14-11  POLITICAL ACTIVITY.

14-11.1  Statement of Policy.

a. It shall be the declared policy of the Borough to appoint all employees, either classified or unclassified, without regard to political consideration.

b. For the purposes of this Section, Borough employees are defined to include full time temporary, provisional, probationary, permanent, and part-time personnel appointed by the Borough and receiving an hourly or annual reimbursement for their services from the Borough.
(Ord. #790, A 11)

14-11.2  Political Activities.
a. No officer or employee shall engage in any political activities during working hours or within Borough buildings or on Borough property.

b. No Borough officer or employee shall directly or indirectly use or seek to use his authority or official influence to control or modify the political action of another person.

c. No person in Borough employ shall invite, demand, or accept payment or contribution from Borough employees for political campaign purposes during working hours or within Borough buildings or on Borough property.

d. Nothing in this Section shall be construed to prevent Borough employees from:

1. Becoming or continuing to be members of any political party, club or organization;

2. Attending political meetings;

3. Expressing their views on partisan political matters outside of working hours and off Borough premises;

4. Circulating petitions on a public question; or

5. Voting with complete freedom in any election.

(Ord. #790, A 11)

14-11.3 Federal Hatch Act Restrictions.

Borough employees, whose principal employment is in connection with any activity, financed in whole or in part by loans or grants made by the United States or by any Federal agency, may also be subject to the restrictions of the Federal Hatch Act. The Hatch Act restrictions apply only to political activity which is partisan. (Ord. #790, A 11)

14-11.4 Penalty.

Violation of any subsection of this Section shall be deemed sufficient cause for suspension or dismissal from the Borough’s service. (Ord. #790, A 11)

14-12 RULES AND REGULATIONS IN GENERAL.

14-12.1 Reporting Accidents.

a. An employee who is injured in the performance of his duties shall immediately report the accident to his supervisor, and shall complete a form provided for such reports.

b. The completed accident report form shall be submitted to the employee’s supervisor, who shall review the circumstances of the accident and render a written report on his findings. A copy of the accident report and supervisor’s report shall be sent to the Municipal Administrator.

(Ord. #790, A 12)

14-12.2 Outside Employment; Exceptions.
a. Employees shall not accept outside employment or engage in outside business activities if there is reasonable probability that:

1. Such outside employment will interfere with an employee’s performance or compromise an employee’s position with the Borough through a conflict of interest; or

2. If such employment shall exceed twenty (20) hours per week.  
(Ord. #790, A 12)

14-12.3 Departmental Rules and Regulations.

a. the Municipal Administrator and Department Heads may, from time to time, establish, amend and supplement rules and regulations for governing the internal operations of any Department and the conduct and deportment of its personnel. Except for the Police Department, such departmental rules and regulations shall not be inconsistent or in conflict with the provisions of any statute of this State, this Chapter, or other Borough ordinances.

b. Except for the Police Department, the rules and regulations shall be in writing, approved by the Municipal Administrator, and filed in the office of the Clerk. They shall be binding on all persons subject to the jurisdiction of the Department.

c. A written copy of such rules and regulations shall be distributed to the personnel of the Department affected thereby.

d. Police Department rules and regulations adopted by the Council pursuant to subsection 2-8.8 of this code shall take precedence over inconsistent personnel policies enunciated in this Chapter.  
(Ord. #790, A 12)

14-12.4 Maintenance of Personnel Records.

a. The Borough Clerk shall provide that adequate personnel records are maintained for each employee of the Borough.

b. The records should include dates of appointments and promotions, job titles, salaries, commendations, disciplinary actions, leave of any type taken and accumulated, merit ratings, and any related matters.  
(Ord. #790, A 12)

14-13 SEPARATION FROM SERVICE AND DISCIPLINARY ACTION.

14-13.1 Types of Separation.
Classified employees who have acquired permanent employment status, as provided in subsection 14-7.6, may be temporarily suspended from the Borough’s employ by layoff or suspension, or permanently separated by resignation or dismissal, subject at all times to the rules and regulations of the Civil Service Department of the State of New Jersey.  
(Ord. #790, A 13)

14-13.2 Layoff.
a. Whenever there is a lack of work or a lack of funds requiring a reduction in the number of employees in a Department of the Borough government, the required reductions shall be made in such job classifications or classifications as the Council may designate.

b. As determined by the appointing authority, employees shall be laid off in the inverse order of their length of service within each affected job class in a particular Department. All provisional employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any permanent employee. Permanent employees including those on probationary status so affected shall be given a minimum of forty-five (45) days notice. Provisional employees so affected shall be given a minimum of two (2) weeks notice or two (2) weeks pay in lieu thereof.

(Ord. #790, A 13)

14-13.3 Retirement.

a. Retirement from the Borough’s service shall be mandatory at age seventy (70) but for non-uniformed employees, service may be extended on an annual basis upon recommendation of the Municipal Administrator and approval of the Council.

(Ord. #790, A 13)

14-13.4 Resignation.

a. Employees may tender a written resignation to their supervisor who in turn shall forward it to the Municipal Administrator. Unless there are disciplinary charges pending against the employee or for other good cause, the Municipal Administrator shall notify the employee in writing of acceptance of his resignation in good standing.

b. An employee shall give a minimum of two (2) weeks notice before the effective date of his resignation. Failure to do so may result in a resignation not in good standing, and in a loss of vacation and sick day credits.

c. An oral resignation may be considered as binding but not as being a resignation in good standing.

(Ord. #790, A 13)

14-13.5 Dismissal, Demotion, Suspension or Other Disciplinary Action.

a. An employee or officer may be dismissed from the service, demoted, fined, suspended or otherwise disciplined for cause.

b. Any one (1) of the following shall be cause for such action although such action may be made for sufficient cause other than those listed:

1. Neglect of duty;

2. Absence without leave or failure to report after authorized leave has expired or after such leave has been disapproved or revoked;
3. Incapacity due to mental or physical disability, incompetency or inefficiency;

4. In subordination or serious breach of discipline;

5. Intoxication while on duty;

6. Conviction of any criminal act;

7. Participating in any political activity prohibited by Section 14-11 of this Chapter;

8. Disobedience of the departmental rules and regulations established pursuant to subsection 14-12.3 of this Chapter;

9. Chronic or excessive absenteeism;

10. Disorderly or immoral conduct;

11. Willful violation of any of the provisions of the Civil Service Statutes, rules and regulations or other statutes relating to the employment of public employees.

12. Negligence of or willful damage to public property or waste of public supplies.

13. The use or attempt to use one’s authority or official influence to control or modify the political action of any person in the service or engaging in any form of political activity during working hours;

14. Conduct unbecoming a public employee;

15. Chronic or excessive lateness;

(Ord. #790, A 13)

14-13.6 Disciplinary Authority.

a. Police Department employees shall be disciplined under authority provided under Police Department rules and regulations promulgated under subsection 2-8.8 of this Code.

b. The Municipal Administrator shall investigate complaints against non-police employees and shall have the authority to suspend or fine such employees for a period not exceed five (5) days in any twelve (12) month period for any reason listed in subsection 14-13.5 of this Code. He shall also have the authority to recommend to the Mayor and council that additional disciplinary action be taken. Disciplinary actions of the Municipal Administrator may be appealed by the affected employee providing that the first step of the formal written grievance process, as outlined in subsection 14-14.3a of this Code, is initiated no later than two (2) working days after being informed of the action.
(Ord. #790, A 13)
14-13.7 Involuntary Separation of Temporary or Provisional Employees.
Temporary or provisional employees may be involuntarily separated from the Borough employment at any time for any cause related to the employment which shall be deemed by the Council to be detrimental to the best interest of the Borough. (Ord. #790, A 13)

14-13.8 Hearings and Appeals.

a. Scope of section. Unless a New Jersey statute or a provision of this Code provides otherwise, this section shall govern proceedings in all cases where the Borough or any of its officers, agents or employees are required to give any person an opportunity to be heard, either on appeal or before taking action.

b. Hearing authority designated. For the purpose of this Section, “hearing authority” shall mean the officer or body authorized to conduct a hearing.

c. Notice of hearing; subpoena power. In all cases where a hearing is mandatory, notice shall be given which shall conform to the following requirements:

1. Contents. The notice shall be in writing and shall specify the grounds on which the proposed action is based and the time and place of the hearing, which hearing shall be within a reasonable time after the service of the notice.

2. Service. Notice may be served either personally upon the person or by mailing a copy to him by certified mail at his last known address. Service on a tenant or occupant may be made in the foregoing manner or by leaving a copy of the notice at the premises with any occupant of suitable age and discretion.

3. Subpoena power. The hearing authority shall have the power to subpoena witnesses and documentary evidence with regard to all hearings under N.J.S.A. 2A:67A-1.

d. Notice of hearings on appeals. In all cases where a person is appealing from the action or decision of an officer, agent or employee of the township, as well as in all cases where a hearing is required to be held only upon the request of the person affected, notice of the appeal or request for a hearing shall be given in writing to the hearing authority personally by mail within ten (10) days after the person affected is notified of the action or decision of the township or its officer, agent or employee. the hearing authority shall fix a time and place for a hearing, which shall be within a reasonable time after the notice of appeal or request for hearing is filed, and written notice of the time and place for the fixed hearing shall be given to the person affected.

e. Hearing procedure.

1. At the hearing any person in interest shall have the right to be represented by an attorney, to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. This subsection shall not be construed to prevent the hearing authority from imposing reasonable limitations upon the number of witnesses who may testify or the length of time allowed for the examination or cross-examination of any witness or making any other
reasonable rule or regulation designed to insure that hearings are conducted in fair, orderly and expeditious manner.

2. All decisions shall be rendered in writing and shall be signed by the officer or chairman of the body authorized to conduct the hearing. IN the event that the Council is the body conducting the hearing, a decision shall be rendered within fifteen (15) days of the conclusion of the hearing and approved at a public meeting. IN the event that an official of the borough conducts a hearing, the official shall render a written decision within ten (10) days of the conclusion of the hearing and delivered to all parties.

(Ord. #790, A 13)

14-14 GRIEVANCE PROCEDURES.

14-14.1 Statement of Policy.
It is the policy of the Borough that every employee at all times be treated fairly, courteously, and with respect. Conversely, each employee is expected to accord the same treatment to his associates, supervisors and to the public. (Ord. #790, A 14)

14-14.2 Verbal or Written Grievance.

a. Whenever an employee has a grievance, he should first present it verbally, or in writing if the employee chooses, to his immediate Supervisor. It is the responsibility of the Supervisor to attempt to arrange a mutually satisfactory settlement of the grievance within three (3) working days after it was first presented to him or failing in that, must within that time advise the employee of his inability to do so.

b. When an employee is informed by his Supervisor that he is unable, within the discretion permitted him, to arrange a mutually satisfactory solution to the grievance, the employee must, if he wishes to present the grievance to higher authority, do so in the manner prescribed in subsection 14-14.3.

(Ord. #790, A 14)

14-14.3 Formal Written Grievance.

a. The employee shall prepare the grievance in writing in duplicate. The grievance should be stated as completely and as clearly as possible, in order to permit prompt handling. One (1) copy of the grievance shall be immediately placed in the hands of the Department Head.

b. The other copy of the grievance shall be presented by the employee to his immediate Supervisor to whom the grievance was made verbally. The Supervisor will report the facts and events which led up to its presentation in writing, including in his written report any verbal answer he may have previously given to the employee concerning his grievance. Within two (2) working days after receipt of the written grievance the Supervisor must present it with the information required to the Department Head.

c. The Department Head will attempt to find a mutually satisfactory solution to the grievance within five (5) working days. Failing a solution, the complaint
accompanied by a written report on the matter prepared by the Department Head must be forwarded to the Municipal Administrator.

d. the Municipal Administrator will attempt to find a mutually satisfactory solution to the grievance within five (5) working days. Failing a solution, the complaint accompanied by a written report on the matter by the Municipal Administrator must be forwarded to the Council which shall act formally on the complaint’s resolution.

e. Since it is intended that most, if not all, grievances can and should be settled without the necessity of reference to the Council, no grievance will be heard or considered by the Council which has not first passed through the above described steps.

f. All papers and documents relating to a grievance and its disposition will be placed in the employee’s personal history file. Notification of all actions taken concerning the grievance shall be transmitted in writing to the employee.

g. Pending the completion of the grievance procedure, no employee shall make public the proceedings in process by press releases, public interviews or the like.
(Ord. #790, A 14)

14-15 APPLICABILITY OF CIVIL SERVICE RULES.

14-15.1 Civil Service Rules Controlling.
This Chapter shall at all times be subject to the Civil Service Rules of the State of New Jersey which prescribe the basic minimum standards for the employment of municipal personnel to which the Borough subscribes. To the extent that this Chapter may in any respect provide minimum standards which are less than those embodied in the Civil Service Rules of the State of New Jersey, the latter rules shall be deemed applicable. To the extent that this Chapter contains benefits or provisions which are in excess of the minimum requirements of the Civil Service Rules of the State of New Jersey, this Chapter shall be deemed to be controlling.
(Ord. #790, A 15)

14-16 EMPLOYEE ORGANIZATION CONTRACT.

14-16.1 Employee Organization Contract to Continue in Full Force and Effect Until Expiration.
All of the provisions, rights and obligations of any existing valid contract with an employee organization negotiated under Chapter 303, Public Laws of 1968 and authorized by Council shall continue in full force and effect until the terms of such contract expire irrespective of any amendments to this Chapter to the contrary.
(Ord. #790, A 16)

14-17 CODE OF ETHICS.

14-17.1 Policy and Intent.
a. Declaration of Policy. It is hereby declared to be the policy of this Borough:
1. the Borough Council acknowledges that the public judges its government by the manner in which public officials and employees conduct themselves in the offices to which they are appointed.

2. The public has a right to expect that every public official and employee will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents.

3. the confidence and respect of the public can best be promoted if every public official and employee, whether salaried or unsalaried, or appointed, shall uniformly:

   (a) Treat all citizens with courtesy, impartially, fairness and equality under the law.

   (b) Avoid both actual and potential or direct and indirect conflicts between their private self-interest and the public interest.

b. Legislative Intent. In order to achieve the objectives expressed in Paragraph a. herein, the within Section is promulgated.
(Ord. #790, A 16)

14-17.2 Definitions.
As used in this subsection:

Financial Interest shall mean any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his services to the Borough, to the official or employee or to any person employing or retaining the services of the official or employee.

Borough shall mean the local governmental unit under which the official or employee is functioning.

Official or Employee shall mean any person elected or appointed to, employed by or retained by, or in any public office or public agency of this Borough, whether salaried or unsalaried, part-time or full time; except that no elected public official shall be subject to the jurisdiction of the board of Ethics, as a result of current case law and statutory remedies available to the public.

Personal Interest shall mean any interest arising from blood or marriage relationships or from close business or political association, whether or not any financial interest is involved.

Public Agency shall mean any group, board, body, commission, committee, department or office of the Borough, including single individuals acting for or on behalf of the Borough.
(Ord. #790, A 16)

14-17.3 Fair and Equal Treatment.

a. Impartiality. No official or employee of the Borough shall grant or afford to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to all persons or member of the public.
b. Use of Public Property. No official or employee shall use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person. This prohibition shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supported property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which is provided as a matter of stated policy for the use of officials and employees in the conduct of official business nor shall this prohibition apply to situations where use of a Borough vehicle for transportation to and from house is authorized by the Council as a term and condition of employment. Practice and policy may be established by the Borough Council by resolution or by the Administrator by written directive.

(Ord. #790, A 17)

14-17.4 Conflict of Interest.

a. Financial or Personal Interest. No official or employee, either on his own behalf or on behalf of any other person, shall have any financial or personal interest in any business or business transaction with any public body or agency in the Borough unless he shall first make full public disclosure of the nature and extent of such interest. In any and all events, no officer or employee shall engage in said business transaction public or private or professional activity or shall have a financial or personal interest which reasonably conflicts with his or her official duties.

b. Official Duties. Whenever the performance of his or her official duties shall require any official or employee to deliberate, act and/or vote on any matter involving his or her financial or personal interest, he or she shall publicly disclose such interest and disqualify himself or herself from participating in deliberations, actions or in the voting. In the event such official or employee is regularly in conflict due to the nature of any such financial, personal or business interests, said official shall inform the Ethics Board so a determination may be made whether the continuing conflict impairs the official or employee from discharging his official or employment duties.

c. Incompatible Employment. No official or employee, shall accept other employment or fees or the promise thereof which might reasonably conflict with the performance of his official duties which might reasonably tend to impair his independent or impartial judgment or action in the exercise of performance of his official duties. Notwithstanding that the officer or employee makes disclosures of the nature and extent of such employment or services, he shall not act in such a manner as would be a conflict with the performance of his official duties.

d. Solicitations. No official or employee shall accept or solicit anything of value as consideration for or in connection with the discharge of his official duties other than the fee or compensation prescribed by law.

e. Representing Private Interests. No officer or employee of the Borough of Point Pleasant shall represent any private interest before any committee, board or agency of the Borough of Point Pleasant nor shall he engage in or represent any interest in any litigation in which the Borough is a party. Nothing herein contained, however, shall prevent any officer or employee of the Borough of
Point Pleasant from representing his own interest before any committee, board or agency of the Borough or in any litigation in which the Borough is a party.

f. Interests in Business Transactions with the Borough. An officer or employee who has a direct or indirect financial interest in any business entity, transaction or contract with the Borough of Point Pleasant or in the sale of real estate, materials, supplies or services to the Borough of Point Pleasant or the purchase of the same from it, the disposition of which may be influenced by his official position, shall refrain from voting or deliberating upon any proposed legislation connected with such acquisition or sale or otherwise participating in any such transaction, and he shall disclose publicly on the official records of the Borough the nature of such interest.

g. Receiving Gifts to Influence Official Action. No officer or employee of the Borough of Point Pleasant shall accept any gift or thing of value whether in the form of money, service, loan, thing or promise, from any person, firms, corporation or association which to his knowledge is interested directly or indirectly in any degree in business dealings with the Borough of Point Pleasant and over which business dealings he has the authority to take or influence official action; provided, however, that such gift or thing of value, by its nature, was intended or could reasonably be construed as intended to influence such official action.

h. Confidential Information. No official or employee shall, without prior authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the Borough. Nor shall such person use such information to promote the financial or private interest of himself or others.

i. Use of Position to Secure Preferential Rights. No officer or employee of the Borough of Point Pleasant, or any member of any agency, board, committee or commission thereof, shall directly or indirectly use or attempt to use his official position to secure improperly any preferential right or benefit to promote the financial or private interest of himself or others, beyond that which it is the general practice to grant or make available to the public at large.

j. Use of Vote to Adopt or Defeat Legislation. No officer or employee of the Borough of Point Pleasant, or any member of any agency, board, committee or commission thereof, shall vote for the adoption or defeat of any legislation or action, or for the payment or non-payment of any indebtedness asserted against the Borough, in which he has a direct or indirect financial or private interest. This subsection shall not apply to voting upon guides, regulations or ordinances setting salaries for those employed by the Borough.

(Ord. #790, A 17)

14-17.5 Applicability to Elected Officials.

All elected officials, notwithstanding the fact that they are not subject to the jurisdiction of the Board of Ethics are expected to comply with the provisions of the Code of Ethics which can and should be used by them as a guideline for their performance. (Ord. #790, A 17)

14-17.6 Board of Ethics.

a. Organization.
1. There is hereby established and created a Board of Ethics for this Borough consisting of three (3) members who shall hold no other office or employment within this Borough. At least one (1) of the members shall be an attorney-at-law of the State of New Jersey and, if possible, such attorney shall be the President of the Ocean County Bar Association. Another member of such Board shall be an ordained clergyman. These two (2) members may be, but shall not be required to be, residents of this Borough. The third member must be a resident in the Borough for not less than two (2) years preceding his initial appointment.

2. The members of the Board of Ethics shall be appointed by the Mayor on the organization meeting of each year. Such appointment shall be with the advice and consent of the majority of the Borough Council; and in the event the Mayor shall fail to make appointments as he is required to do so, or in the event the Council shall not confirm the appointments of the Mayor within thirty (30) days after such appointments are required to be made, then the appointments shall be those of the majority of the Borough Council.

3. Such appointees shall serve for a term of three (3) years; provided, however, that those first appointed for full terms hereunder shall have terms expiring at one (1), two (2) and three (3) years, respectively, from the date of the commencement of their terms. Vacancies shall be filled for unexpired terms.

4. Any appointees serving, as set forth in Paragraph a,1; a,2 and a,3 above shall serve without compensation or remuneration.

b. Advisory Opinions. Upon the written request of the officer or employee concerned, the Board shall render written advisory opinions based upon the provisions of this Code. The Board shall file its advisory opinions with the Municipal Clerk but may delete the name of the officer or employee involved.

c. Hearings and Determinations. Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Code, the Board shall investigate such charges and in written findings of fact and conclusions based thereon make a determination concerning the propriety of the conduct of the official or employee complained of, and submit such findings to the Borough Council within thirty (30) days of the receipt of such complaint. In the event the findings are not reported to the Borough Council within thirty (30) days, as hereinabove provided, then the Borough Council may take any action which it deems appropriate, including, but not limited to, dismissal of charges.

d. Any allegations or charges alleging violations of this Chapter against sworn police personnel shall be referred to the Police Chief for disposition in conformance with N.J.S.A. 40A:14-147 and applicable rules and regulations.

(Ord. #790, A 17)

14-17.7 Enforcement.

a. Sanctions. In the event that the Board of Ethics shall, under the provisions of subsection 14-7.6 make a determination that the conduct of any official or employee was improper, the Borough Council, based upon the written findings, conclusions and determinations of the Board of Ethics, may institute appropriate
14-18 RESIDENCY.

14-18.1 Declaration of Policy.
From and after the effective date of this Chapter, all persons employed, appointed or to be employed by the Borough shall be a bona fide resident therein, with the exception of the following:

a. When specifically waived by the appointing authority;

b. As otherwise provided for or permitted by statute;

c. Persons who are already employed by the Borough as of the date of the adoption of this Chapter.

d. Other exceptional situations as provided herein.  
   (Ord. #790, A 18; Ord. #797, § 1)

14-18.2 Definition of Resident.
For purposes of this Chapter, a bona fide resident is defined as a person having his permanent domicile within the Borough and one which has not been adopted with the intention of again taking up or claiming a previous residence acquired outside of the boundaries of the Borough.  (Ord. #790, A 18)

14-18.3 Appointment of Nonresidents.
All nonresidents appointed to classified positions or classified employments, unless waived by the appointing authority or accepted by statute, shall after the effective date of this Chapter become bona fide residents of the Borough within one (1) year of their appointment.  Failure of any employee required to become a resident to, in fact, maintain residency within the Borough, shall be cause for removal or discharge as provided for in N.J.S.A. 40A:9-1.5  (Ord. #790, A 18)

14-18.4 Procedure for Recruiting Nonresidents.
Whenever the appointing authority shall by motion determine that there cannot be recruited a sufficient number of qualified residents for available specific classified positions or classified employments, the appointing authority shall advertise for other qualified applicants.  All such applicants shall thereupon be classified for such positions or employments in the following manner:

a. Other residents of the County in which the municipality is situated;

b. Other residents of counties contiguous to the County in which the municipality is situated;

c. Other residents of the State;

d. All other applicants.

In such event, the Borough shall first appoint all those in class “a”, and then those in each succeeding class in the order above listed, and shall appoint a person or persons in any such class only to a position or positions, or employment or
employments, remaining after all qualified applicants in the preceding class or classes have been appointed to have declined an offer of appointment. A preference established by this Section shall, in no way, diminish, reduce or affect the preferences granted, pursuant to any other provisions of New Jersey statutes.

The appointing authority, if it has recruited and hired officers or employees under the provisions of this Section of the Chapter may require such officers or employees as a condition of their continued employment to become bona fide residents of the Borough of Point Pleasant, or may waive this requirement. Such a requirement shall be specified at the time of appointment and a reasonable amount of time granted for such officers and employees to become bona fide residents of the local unit, but, in no event, shall it be more than one (1) year from the date of such appointment in accordance with the preceding sections of this Chapter.

When the appointing authority shall determine that there are certain specific positions and employments requiring special talents or skills which are necessary for the operation of the local unit, and which are not likely to be found among the residents of the local unit, such positions or employments so determined shall be filled without reference to residency. Prior to such appointment, however, the Governing Body shall adopt a resolution setting forth a formal criteria, pursuant to which such positions and employments shall be so determined and setting forth the specific talents or skills required. (Ord. #790, A 18)

14-18.5 Promotions.
The appointing authority shall give preference in promotion to officers and employees who are bona fide residents of the local unit. When promotions are based upon merit and determined by suitable promotions, tests or other objective criteria, a resident shall be given preference over a nonresident in any instance where all other measurable criteria are equal. The preference granted by this section shall, in no way, diminish, reduce or affect preference granted, pursuant to any provisions of New Jersey statutes. (Ord. #790, A 18)

14-19 RETIREMENT BENEFIT.

14-19.1 Insurance Coverage.
a. In the event that an employee being at least sixty-five (65) years of age retires by filing for pension benefits after having completed at least thirty (30) years of full-time service with the Borough, said retiree shall receive paid medical, prescription and dental insurance coverage for himself/herself for life. Such coverage shall be equivalent to that currently provided to the active membership of the bargaining unit representing the title from which he/she retired or to the majority of active employees if the title from which he/she retired was not represented by a recognized bargaining unit. In the event that at any future time such respective coverage shall be deleted, modified or added to in any manner, then such deletions, modifications or additions shall apply to said retiree's benefits.
b. In the event that an employee not having attained the age of sixty-five (65) years retires by filing for pension benefits after having completed at least thirty-five (35) years of full time service with the Borough, said retiree shall be entitled to paid medical insurance benefits for himself/herself
which shall be equivalent to that currently provided to the active bargaining unit membership which represents the title from which he/she retired or the majority of active Borough employees if the title from which he/she retired is not recognized under a bargaining unit, until the sixty-fifth (65th) birthday of said retiree. In the event that said respective coverage is modified, deleted or added to then said modification, deletions or additions shall apply to the coverage available to the retiree.

c. In the event that an employee retires by filing for pension benefits and has not completed thirty-five (35) years of full time service and is not sixty-five (65) years of age with at least thirty (30) completed years of full time service said retiree may continue, at his/her own expense and upon repayment to the Borough, medical, dental or prescription coverage as chosen at the time of retirement at the group rate which is applicable and currently costing the Borough. Said coverage shall be equivalent to the coverage currently provided to other active members of the bargaining unit representing the title from which he/she retired or that provided to the majority of active employees if the title from which he/she retired is not recognized under any bargaining unit. In the event that said coverage is modified, deleted or added to for active employees, then such modifications, deletions or additions shall apply to the coverage available to the retiree.

(Ord. #94-20, S 1)

**14-20 NO SMOKING POLICY.**

a. No smoking, as defined in N.J.S.A. 26:3D-47(b) will be permitted by any person within any and all municipal buildings, including all rooms, chambers, places of meeting or public assembly in which a public meeting is held under the auspices of a governmental entity and to which the public is invited, solicited or legally entitled to attend is in progress.

b. In addition this prohibition shall include any office open to the general public including but not limited to Tax Offices, Vital Statistic Offices, Vital Record Offices, Building Department, Treasurer's Department, Clerk's Department, Public Works Building, Administrative Offices and Municipal Offices.

c. A copy of this section shall be provided to all current municipal employees.

d. Appropriate "Smoking Prohibited" signs shall be posted within all municipal buildings in order to implement the intent of this section.

(Ord. #1995-05, SS 4—7)

**14-21 STANDARD HIRING PROCEDURES.**

a. The procedural steps to be followed when making appointments to positions within various departments with the exception of the Police Department, unless otherwise in conflict with the rules or promulgations of the New Jersey Department of Personnel shall be as follows:

1. The Municipal Administrator shall post and/or advertise for said position as necessary.

2. The department head and the Municipal Administrator shall interview the potentially qualified candidates, either together or separately.
3. The department head and Municipal Administrator shall review their findings and recommendations with the Administration and Finance Committee.

4. The Administration and Finance Committee shall make its recommendation to the Mayor and Council.

5. All appointments shall be made by a majority vote of the quorum present of the Borough Council.

(Ord. #1999-02, S 1)

14-22 SEXUAL HARASSMENT POLICY.

14-22.1 Purpose. The Borough of Point Pleasant recognizes that sexual harassment, as well as other forms of harassment and discrimination is a violation of both State and Federal law, and in that respect the Borough of Point Pleasant seeks to provide its employees and appointees with a work environment free of unlawful conduct. Any harassment of any Borough employee or appointee by any other Borough employee or appointee will not be permitted, regardless of their working relationship. The Borough of Point Pleasant has an unequivocal commitment to a workplace free from all forms of harassment and discrimination, and will enforce this commitment through the policies and procedures.

The Borough of Point Pleasant is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited. The Borough of Point Pleasant strongly disapproves of offensive or inappropriate conduct which harasses, disrupts, or interferes with work performance or which creates an intimidating, offensive or hostile work environment. (Ord. #2000-01, S 1)

14-22.2 Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

Harassment.

a. Consists of and includes the following acts:

1. Any unwelcome sexual advances, requests for sexual favors and other inappropriate or offensive verbal or physical conduct made because of a person's sex.

2. Any advances which undermine the employment relationship by creating an intimidating, hostile or offensive work environment.

3. Any advances which affect the individual's job performance.

4. Any submission to such conduct that is made either explicitly or implicitly by a term or condition of an individual's employment.

5. Any submission to or rejection of such conduct by an individual used as the basis of decisions concerning continued employment or evaluation of such individual.
6. Any open display of sexually suggestive objects or pictures in the workplace.

b. Examples of such conduct as set forth above, which shall constitute acts of sexual harassment, shall include the following:
   1. Unwelcome sexual advances.
   2. Sexually graphic comments.
   3. Demeaning comments concerning sex and/or physical appearance.
   4. Unwelcome touching or any intentional contact of sexual nature.
   5. Unwelcome and offensive sexually explicit humor.

   (Ord. #2000, S 1)

14-22.3 Duty of Administrator and Department Heads. It shall be the duty of the Borough Administrator and all Department Heads of the Borough of Point Pleasant to make it clear to all Borough employees and appointees that sexual or other forms of unlawful harassment are strictly prohibited by the Borough. Harassing conduct is grounds for disciplinary action by the enforcement of the provisions of this Chapter and by addressing any and all complaints of inappropriate behavior. (Ord. #2000-01, S 1)

14-22.4 Informal Complaint Procedure.
   a. Any individual who alleges sexual harassment, or any other form of unlawful harassment, by another Borough employee or appointee shall immediately inform the Borough Administrator, in writing, within thirty (30) days of the incident. The Administrator, after receiving such complaint, shall speak informally with the alleged harasser and shall advise the alleged harasser that such behavior is unwelcome and not tolerated in the Borough in an effort to correct the offending behavior and prevent retaliatory behavior. In the event that the matter cannot be resolved informally between the parties, the Borough Administrator shall investigate the matter formally in accordance with subsection 14-22.5 of this Chapter. In the event that the Administrator is directly involved in the complaint, the matter shall be reported to the Mayor.

   (Ord. #2000-01, S 1)

14-22.5 Formal Complaint Procedure.
   a. An individual alleging sexual harassment, or any other form of unlawful harassment, shall file, in writing, a formal complaint with the Borough Administrator within sixty (60) days of the incident. The Borough Administrator, upon receipt of such complaint, shall carry out a thorough investigation of the complaint, which investigation shall include, at a
minimum, interviews with the complainant, the alleged harasser, and any alleged witnesses to the alleged harassment. In carrying out the investigation of the alleged incident, the Administrator shall protect the rights of both the person making the complaint and the alleged harasser. In the event that the Administrator is directly involved in the complaint, the matter shall be reported to the Mayor.

b. The Borough Administrator, following completion of the investigation, shall make a written report to the Borough Council outlining his or her findings and recommendations for action by the governing body. A factual determination is required to address the question of whether a particular perceived action is or is not unlawful harassment. The Borough of Point Pleasant recognizes that a charge of harassment is a serious matter and that the rights of all parties are to be protected.

c. The Borough Council, within thirty (30) days of receiving the written report of the Administrator, shall make a final determination as to the matter and advise all parties, in writing, of its findings and conclusions.

d. In the event that either party is not satisfied with the conclusions and findings reached by the Borough Council, said party may make a formal request in writing for the matter to be reviewed by an independent third-party hearing officer appointed by the governing body. The request for the matter to be reviewed by a hearing officer shall be submitted within thirty (30) days from the date of the Borough Council's determination. The Borough Council shall appoint a hearing officer within thirty (30) days from the date of the request.

e. The hearing officer shall review all determinations previously rendered in this matter and may also interview the parties and/or further investigate the matter in an effort to reach his determination. The hearing officer shall render his determination within ninety (90) days. In the event that said party is not satisfied with the conclusions and findings of the hearing officer, said party may seek the remedies available through the Superior Court.

f. The confidentiality and privacy of all involved persons will be respected during an investigation. Such disclosure during the investigatory state shall be permitted only when required by law.

(Ord. #2000-01, S 1)

14-22.6 False Accusations. A false complaint, false testimony or false information provided in connection with a harassment investigation will be subject to such discipline as the Borough Council determines to be appropriate, up to and including termination. (Ord. #2000-01, S 1)

14-22.7 Training of Municipal Officials and Employees. The Borough shall provide mandatory training to all supervisors and department heads regarding the Borough's harassment policies and procedures. The Borough shall make training available to all employees and appointees. (Ord. #2000-01, S 1)

14-22.8 Monitoring of Policy. The Borough, through anonymous and confidential questionnaires, shall monitor the employee's or appointee's trust in the established policies and procedures of the Borough concerning sexual harassment. (Ord. #2000-01, S 1)
14-22.9 **Notice.** Notice of this policy shall be disseminated annually and shall be included in the employees manual. (Ord. #2000-01, S 1)

14-22.10 **Violations and Penalties.**

   a. It shall be a violation of this Chapter for any Borough employee or appointee to harass another Borough employee or appointee through conduct or communication of a harassing nature as set forth in subsection 14-22.2 of this Chapter.

   b. Any individual found to have engaged in any type of harassment shall be subject to disciplinary action, up to and including termination of employment or appointment with the Borough. (Ord. #2000-01, S 1)
CHAPTER XV
BEACHES, PARKS AND RECREATIONAL AREAS

15-1 RECREATION.

15-1.1 Places of Resort Established. There are hereby established places of resort for public health, recreation, bathing and entertainment, bathing and recreational facilities, safeguards and equipment in this Borough on lands owned by this Borough fronting on the Manasquan River at four (4) locations, to wit:

a. At the foot of River Avenue.

b. At the foot of Maxson Avenue.

c. Adjacent to the parking lot of the Point Pleasant Hospital.

d. At the foot of Richard Road.
   (Ord. #368, S 79-1; Ord. #390, S 79-1)

15-1.2 Maintenance by Borough. The places of resort for public health, recreation, bathing and entertainment shall be maintained by this Borough. (Ord. #368, S 79-2)

15-1.3 Safeguards, Equipment and Facilities. The Borough shall acquire, construct, use and maintain safeguards, equipment and facilities as shall be necessary in the proper establishment and maintenance of the places of resort for public health, recreation, bathing and entertainment. The Borough shall have the right and authority to purchase, rent or otherwise acquire lifeboats, ropes, poles and other safeguards, recreational facilities and equipment for the recreation, protection and safeguard of human beings at the places of resort while bathing or otherwise at the places of resort. (Ord. #368, S 79-3)

15-1.4 Lifeguards and Other Personnel. The Borough shall engage, hire and pay such lifeguards and such other personnel as shall be required for the proper maintenance of the place of resort. (Ord. #368, S 79-4)

15-1.5 Policing. The Borough shall have the right to police the place of resort and to hire, engage and pay such police officers and policemen as shall be necessary for the proper policing of the places of resort. (Ord. #368, S 79-5)

15-1.6 Right of Borough to Protect and to Construct. The Borough shall have the right to:

a. Protect the places of resort and the lands thereof from erosion, encroachment and damage; and

b. Construct and maintain public walks and approaches thereto.
   (Ord. #368, S 79-6)

15-1.7 Fees; Purpose and Amount. In order to provide funds to improve, maintain and police the places of resort and to protect the same from erosion, encroachment and damage, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the Point Pleasant
Recreation Commission shall be authorized to establish reasonable fees for the access to beach and bathing facilities.

a. In exchange for the fee established by the Recreation Commission, every individual will receive a permit. Each permit issued hereunder shall be evidenced by a button, ticket, coin, or a badge, as may be determined by the Recreation Commission. Such permit, in whatever form it may evidenced, shall not be transferable. Same shall be permanently displayed on each person’s bathing suit or other attire at all times while present at the bathing beach.

b. On each public beach, the Recreation Commission shall designate areas to be utilized for protective bathing, fishing and other activities.

c. The Recreation Commission shall designate the hours of each day when the beaches shall be open to the public at which time the permit required hereinunder shall be required.

(Ord. #368, S 79-7; Ord. #688, S 4; Ord. #812, S 1)

15-1.8 Prohibited Acts. No person shall do any of the following things at or upon the place of resort for public health, recreation, bathing and entertainment:

a. Throw, drop, discard or leave any wastepaper, garbage or other refuse; or sell, peddle or hawk any food, drink of confections.

b. In any way litter, make unsightly, damage, destroy or disfigure the beach or any public or private property.

c. Make any loud noise, sound or music to the annoyance of any other person.

d. Disrobe, dress or undress on the beach or parking lot or in automobiles.

e. Use load, profane or indecent language.

f. Play ball or any other game or engage in any activity which will endanger another person or interfere with the enjoyment of the quiet use of the beach or the place of public resort by another person.

g. Conduct or engage in any beach party, picnic or similar outing on the beach without first obtaining a permit therefor. Intoxicating liquor shall not be taken upon any public beach.

h. Take, permit, or allow his dog to be or go upon beach or in the water at the public beach or upon any public boardwalk.

i. Go into the water or remaining in the water at any beach when:

1. It is unsafe to do so.

2. Directed by public lifeguard to come from the water.

3. Intoxicated.

j. Shall molest or disturb any person in the peaceful enjoyment of the beach, boardwalk or bathing facilities.
k. Do anything which shall endanger the life or safety of himself or any other person.

1. Dump or throw garbage or other refuse in water at the bathing beach.

m. Go out in water at bathing beach:

1. Farther than directed by public lifeguard; or

2. In violation of reasonable order of lifeguard when safety of bather is or may be endangered by going in water.

n. Refuse or neglect to obey the orders and directions of public lifeguards as to time, place and distances for bathing.

o. Interfere with or obstruct a police officer or lifeguard in the performance of his duty.

p. No person shall operate a privately owned beach buggy or other motor vehicle on beach at any time.

q. Launch or operate any boat or other craft in the area set aside for bathing purposes.

(Ord. #368, S 79-8)

15-1.9 Applicability. All provisions of this Section shall be applicable to and shall pertain to the beaches of the Borough hereinabove noted and such other beaches as may be designated by the Mayor and Council. (Ord. #368, S 79-9)
CHAPTER XVI
SWIMMING POOLS

16-1 DEFINITIONS.

As used in this Chapter:

*Above Ground Swimming Pool* shall mean any swimming pool that sits on the ground and/or is placed or constructed less than eighteen (18") inches into the ground as measured from the existing grade prior to the construction or placement thereof.

*Construction* shall mean and include building or installing a new swimming pool or enlarging an existing swimming pool or any of its facilities.

*In Ground Swimming Pool* shall mean any swimming pool placed or constructed more than eighteen (18") inches into the ground as measured from the existing grade prior to the construction thereof.

*Portable Pool* shall mean any above-surface-type pool of more than one hundred (100) cubic feet capacity, not stationary or fixed and capable of being removed for storage.

*Private Swimming Pool* shall mean pools used for swimming or bathing which shall be in conformity with the requirements of this Chapter, provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24") inches (610 mm) deep or having a surface area less than two hundred fifty (250) square feet (23.25 m), except when such pools are permanently equipped with a water recirculating system or involve structural materials.

*Swimming Pool* shall mean and include fill and draw, flow-through and recirculation pools, outdoor and indoor, which are artificially constructed to provide recreation facilities for swimming, bathing or wading and all buildings, equipment and appurtenances thereto. It shall not include natural outdoor ponds, rivers, lagoons or lakes, nor baths used for cleansing of the body or practice of the healing arts.

*Wading Pool* shall mean and include any artificially constructed pool intended for use by children, not designed or used for swimming, with a maximum area of one hundred twenty (120) square feet and a maximum water depth of eighteen (18") inches.

(Ord. #368, S 92-1; Ord. #1999-24, S 1)

16-2 FENCING.

a. All private swimming pools now existing or hereafter constructed, installed, established or maintained, with the exception of wading and portable pools, shall be completely and continuously surrounded by a permanent durable wall, fence or barrier not less than four (4') feet in height above grade, and shall be so constructed as to have no opening, mesh, hole or gap larger than two (2") inches in any dimension, except for doors and gates; provided, however, if a picket fence is erected or
maintained the horizontal dimension of any gap or opening shall not exceed two and one-half (2 1/2") inches. A dwelling house or accessory building may be used as part of such enclosure. All gates used in conjunction with any of the above-described enclosures shall conform to the specifications required above as to height and dimensions of openings, mesh, holes or gaps in the case of fences, and all gates and doors shall be equipped with self-closing and self-latching devices for keeping the gates or doors securely closed at all times when not in actual use. Gates and doors shall be locked when the pool is not in use or is unguarded or unattended.

b. Every outdoor wading pool or portable pool shall be enclosed by a durable wall, barrier or fence as described in the preceding paragraph, unless such outdoor wading pool or portable pool be:

1. Emptied when not in use or unattended; or
2. Covered with a suitable, strong protective covering, securely fastened or locked in place, when not in use or unattended. (A cover shall be considered to be of sufficient strength and securely fastened or locked in place, if, when fastened or locked in place, it will support a minimum dead weight of one hundred (100) pounds.

c. All persons now owning or maintaining any outdoor swimming or wading pool shall be and are hereby granted a period of sixty (60) days after the effective date hereof within which to enclose the same as herein provided; except that any such person now owning or maintaining an outdoor swimming or wading pool presently enclosed by a fence or barrier which substantially complies with the requirements of this Section may be exempted from the strict requirements thereof until such time as he may substantially alter, remove, replace or rebuild such fence, upon obtaining from the Construction Official a "certificate of substantial compliance" as hereinafter provided.

1. "Substantial compliance," for the purpose of this section, shall mean and include any fence or barrier which now or hereafter shall be maintained at a minimum height of forty-two (42") inches above grade and have no openings, mesh, hole or gap larger than four (4") inches in any dimension.

2. A certificate of substantial compliance may be granted by the Construction Official within ninety (90) days after the effective date hereof upon written application to and establishing to the satisfaction of the Borough, in such a manner as shall be prescribed by the Borough, that the applicant's fence is maintained in substantial compliance with the requirements of this section.

d. The provisions of the within Chapter shall not be applicable to those swimming pools which are commonly known as "above-the-ground swimming pools." That is to say, swimming pools which are elevated above the surface of the ground four (4') feet or more and access to which can only be gained by ascending a ladder or stairway.

e. The provisions of this section with respect to fencing surrounding private swimming pools shall not be applicable when and if a fence shall completely surround the premises upon which the swimming pool has been or may be constructed, i.e., if a fence similar to that which is described in Section 16-2, paragraph a. of this Chapter is or shall be constructed along the entire outer
perimeter of the lot upon which the swimming pool is constructed, then and in that case it shall not be a requirements to construct another fence immediately surrounding the swimming pool.
(Ord. #368, 92-2)

16-3 ENFORCEMENT.

a. Every private swimming pool, wading pool or portable pool constructed, installed, established or maintained in the Borough shall at all times comply with the requirements of the local Board of Health. Any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such private swimming pool, wading pool or portable pool shall be forthwith abated and removed by the owner, lessee or occupant of the premises on which the pool is located, upon receipt of notice from the Zoning and Code Enforcement Officer of the Borough.

b. It shall be the duty of the Zoning and Code Enforcement Officer to enforce the provisions of this Chapter. All complaints shall be filed with the Zoning and Code Enforcement Officer, in accordance with Chapter VIII, Section 8-3.

c. The owner or operator of any pool within the Borough shall allow the Zoning and Code Enforcement Officer, Construction Official or other authorized official access to any private swimming pool or wading pool or portable pool and appurtenances thereto for the purpose of inspection to ascertain compliance with this Chapter and all other pertinent Borough ordinances, at all reasonable times.
(Ord. #368, S92-4; Ord. #503, S 92-4)

16-4 PENALTIES.

Any person violating or permitting the violation of any of the provisions of this Chapter shall, upon conviction, be liable for a penalty as established in Chapter 1, Section 1-5. (Ord. #368, S-92-5; Ord. #626, S 92-5)
CHAPTER XVII*
UNIFORM FIRE SAFETY CODE

17-1 PREAMBLE.
The Uniform Fire Safety Act (P.L. 1983, c. 383; N.J.S.A. 52:27D-192 et seq.) was enacted for the purpose of establishing a system for the enforcement of standards throughout the State of New Jersey; and the Uniform Fire Safety Act authorized municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose. It is in the best interests of the Borough to have the Uniform Fire Safety Act enforced locally; and pursuant to N.J.S.A. 52:27D-202, the Borough is empowered to designate the Ocean County Bureau of Fire Safety as the Local Enforcing Agency. (Ord. #94-25)

17-2 LOCAL ENFORCEMENT.
Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383) the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Point Pleasant. (Ord. #94-25, S 1)

17-3 AGENCY DESIGNATION.
The Local Enforcing Agency shall be the Ocean County Bureau of Fire Safety under the supervision of the Ocean County Fire Marshal. (Ord. #94-25, S 2)

17-4 DUTIES.
The Ocean County Bureau of Fire Safety shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Borough of Point Pleasant other than owner-occupied one (1) and two (2) family dwellings and shall comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code. (Ord. #94-25, S 3)

17-5 LIFE HAZARD USES.
The Ocean County Bureau of Fire Safety shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code. (Ord. #94-25, S 4)

17-6 ORGANIZATION.
The Ocean County Bureau of Fire Safety shall be in the Office of the Ocean County Fire Marshal and shall be under the direct supervision and control of the Ocean County Fire Marshal who shall serve as the Fire Official. The Ocean County Bureau of Fire Safety shall consist of said Fire Official and such other inspectors and employees as may be necessary to enforce said code, being appointed by the

*Editor’s Note: Prior ordinances codified herein include portions of Ordinance Nos. 745, 839, 853, 855, 90-7 and 90-16.
Ocean County Board of Chosen Freeholders pursuant to the procedures set forth herein. (Ord. #94-25, S 5)

17-7 APPOINTMENTS.

a. Fire Official. The Ocean County Bureau of Fire Safety shall be under the supervision of the Ocean County Fire Marshal who shall be appointed by the Ocean County Board of Freeholders.

b. Inspectors and Employees. Such inspectors and other employees as may be necessary for the Ocean County Bureau of Fire Safety to properly carry out its responsibilities shall be appointed by the Ocean County Board of Chosen Freeholders.

(Ord. #94-25, S 6)

17-8 BOARD OF APPEALS.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by a ruling, action, notice or order of the Ocean County Bureau of Fire Safety shall have the right to appeal to the Construction Board of Appeals of the County of Ocean. (Ord. #94-25, S 7)

17-9 PERMITS.

The permit fees shall be established pursuant to the Uniform Fire Code. They shall be as follows, unless modified by resolution of the Ocean County Board of Chosen Freeholders and Ordinance of the Borough:

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<thead>
<tr>
<th>Type</th>
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(Ord. #94-25, S 8)

17-10 ADDITIONAL REQUIRED INSPECTION AND FEES.

In addition to the inspections and fees required and regulated by the Uniform Fire Safety Act, the following additional inspections and fees shall be required:

A-20 Assembly uses with a maximum permitted occupancy of between 25 to 49 persons. Type of use to include:

Assembly Halls
Auditoriums
Exhibition Halls
Museums
Libraries
Billiard Rooms
Restaurants
Club Rooms
Passenger Stations
Conference Rooms
Mortuary Chapels
Card Rooms

A-21 Assembly uses with a maximum permitted occupancy of between 50 to 59 persons. (Same type of use as A-20).
A-22 Churches

B-30 All professional and business offices with a total gross floor space of under 25,000 square feet.
B-31 Same uses as B-30 (with 25,000 to 49,000 square feet total gross floor space).
B-32 Same uses as B-30 (with 50,000 to 99,999 square feet total gross floor space).
B-33 Same uses as B-30 (with 100,000 square feet and over total gross floor space).

E-40 All private schools, academies, college and university buildings with a total gross floor space of under 25,000 square feet.
E-41 Same uses as E-40 (with 25,000 to 49,999 square feet total gross floor space).
E-42 Same uses as E-40 (with 50,000 to 99,999 square feet total gross floor space).
E-43 Same uses as E-40 (with 100,000 square feet and over total gross floor space).

I-50 Industrial uses and factories of all kinds, with a total gross floor space of under 5,000 square feet.
I-51 Same uses as I-50 (with 5,000 to 9,999 square feet total gross floor space).
I-52 Same uses as I-50 (with 10,000 to 14,999 square feet total gross floor space).
I-53 Same uses as I-50 (with 15,000 to 19,999 square feet total gross floor space).
I-54 Same uses as I-50 (with 20,000 to 49,999 square feet total gross floor space).
I-55 Same uses as I-50 (with 50,000 to 74,999 square feet total gross floor space).
I-56 Same uses as I-50 (with 75,000 to 99,999 square feet total gross floor space).
I-57 Same uses as I-50 (with 100,000 square feet and over total gross floor space).
M-60 All mercantile, wholesale and retail stores and all service offering facilities, other than professional offices, with a total gross floor space of under 6,000 square feet.

M-61 Same uses as M-60 (with 6,000 to 11,999 square feet total gross floor space).

R-70 Hotels, motels, dormitories, apartment buildings and houses (other than one and two family, owner occupied dwellings and/or which are not classified as a Life Hazard Use) with less than 25 living units.

R-71 Same uses as R-70 (with 25 to 49 living units).

R-72 Same uses as R-70 (with 50 to 99 living units).

R-73 Same uses as R-70 (with 100 to 149 living units).

R-74 Same uses as R-70 (with 150 to 199 living units).

R-75 Same uses as R-70 (with 200 to 249 living units).

R-76 Same uses as R-70 (with 250 to 299 living units).

R-77 Same uses as R-70 (with over 299 living units).

S-80 Storage buildings, warehouses and parking garages with under 5,000 square feet total gross floor space.

S-81 Same uses as S-80 (with 5,000 to 9,999 square feet total gross floor space).

S-82 Same uses as S-80 (with 10,000 to 14,999 square feet total gross floor space).

S-83 Same uses as S-80 (with 15,000 to 19,999 square feet total gross floor space).

S-84 Same uses as S-80 (with 20,000 to 49,999 square feet total gross floor space).

S-85 Same uses as S-80 (with 50,000 to 74,999 square feet total gross floor space).

S-86 Same uses as S-80 (with 75,000 to 99,999 square feet total gross floor space).

S-87 Same uses as S-80 (with 100,000 square feet and over total gross floor space).

T-90 All buildings not previously classified, which are not one or two family dwelling units and are under 5,000 square feet gross floor space.

T-91 Same uses as T-90 (with 5,000 to 9,999 square feet total gross floor space).

T-92 Same uses as T-90 (with 10,000 to 14,999 square feet total gross floor space).

T-93 Same uses as T-90 (with 15,000 to 19,999 square feet total gross floor space).

T-94 Same uses as T-90 (with 20,000 to 49,999 square feet total gross floor space).
T-95   Same uses as T-90 (with 50,000 to 74,999 square feet total gross floor space).
T-96   Same uses as T-90 (with 75,000 to 99,999 square feet total gross floor space).
T-97   Same uses as T-90 (with 100,000 square feet and over total gross floor space).

Required Inspections. All additional uses as listed hereinabove shall be inspected for compliance with the provisions of the Uniform Fire Safety Act and the regulations adopted thereunder periodically, but not less that once every twelve (12) months.

Required Fees:

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<thead>
<tr>
<th>Use Group</th>
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<td>A-20, B-30, E-40, I-50, M-60, R-70, S-80 and T-90</td>
<td>$25.00 per year</td>
</tr>
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<td>A-21, B-31, E-41, I-51, M-61, R-71, S-81, and T-91</td>
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<td>B-32, E-42, I-52, R-72, S-82 and T-92</td>
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<td>I-54, R-74, S-84 and T-94</td>
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<td>I-55, R-75, S-85 and T-95</td>
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<td>I-56, R-76, S-86 and T-96</td>
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<td>I-57, R-77, S-87 and T-97</td>
<td>$300.00 per year</td>
</tr>
<tr>
<td>A-22</td>
<td>No fee</td>
</tr>
</tbody>
</table>

Where more than one (1) additional use exists under one (1) ownership at a given location, the highest use shall be registered at full fee and the subsequent use at one-half (1/2) the scheduled fee. In multi-tenant structures, each tenant shall be registered at full fee.

(Ord. #94-25, S 9)

17-11 CERTIFICATE OF SMOKE DETECTOR COMPLIANCE.

Before any Use Group R-3 or R-4 structure is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a Certificate of Smoke Detector Compliance (CSDC), evidencing compliance with N.J.A.C. 5:18-4.19, from the Fire Marshal. The application fee for a CSDC shall be twenty ($20.00) dollars.

(Ord. #94-25, S 10)

17-12 TECHNICAL AMENDMENTS.

a. All health care facilities shall be inspected in accordance with guidelines established by the Uniform Fire Safety Code and shall also meet the requirements of the latest edition of the N.F.P.A. 101 Code for Safety to Life from Fire in Buildings and Structures.
b. **Key Boxes.** The Fire Marshal shall have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult because of security. The key box shall be a type approved by the Fire Marshal and shall contain keys necessary for the Fire Department to gain access as required by the Fire Marshal. The operator of the premises shall immediately notify the Fire Marshal, and provide the new key(s), any time a lock is changed or rekeyed and a key(s) to that lock is contained in the key box.

c. The Fire Marshal shall have the power and it shall be his duty to provide for the making of Fire Lanes and Fire Zones on public or private property when he deems such lanes to be needed for the protection of life and property.

d. Upon finding that such action is necessary for the public safety, the Fire Marshal may require the owner or owners of any shopping center, commercial structure, place of public assembly, multiple dwelling, industrial park, office building, hotel or motel, educational facility, health care facility, day care facility or marina to designate "FIRE ZONES" at entrances, means of egress, loading doors or access ways to said premises and "FIRE LANES" in driveways and/or parking lots leading from the street to the "FIRE ZONE".

e. The size of the "FIRE ZONE" and/or "FIRE LANE" shall be set at the discretion of the Fire Marshal based upon the size and use of the property, the recommendation of the Board of Fire Officers and such other facts that he may deem relevant. "FIRE ZONES" shall be outlined in yellow on the paved surface and shall contain within said outline the phrase "FIRE ZONE" in yellow lettering and shall be striped with diagonal lines also in yellow. "FIRE LANES" shall be outlined in yellow with the phrase "FIRE LANE" in yellow lettering on the paved surface. Marking of the paved surface shall be provided for and maintained by the owner or operator of the property. A diagram and specifications demonstrating the proper manner of painting and lettering "FIRE ZONES" AND "FIRE LANES" on paved surfaces shall be made available by the Fire Marshal or Borough Hall during normal business hours for public inspection. A metal "FIRE ZONE" or "FIRE LANE" sign shall be provided, erected and maintained by the owner or operator of the property and shall be placed as directed by the Fire Marshal. Said sign shall indicate the term "FIRE ZONE" or "FIRE LANE", shall be of a design and quality and lettered according to the provisions of the State Code, and shall be approved by the Fire Marshal. A diagram and specifications of a "FIRE ZONE" or "FIRE LANE" sign shall be made available by the Fire Marshal or Borough Hall during normal business hours for public inspection. In instances where pavement is not provided for marking, the property owner shall submit for approval to the Fire Marshal a site plan indicating the location and dimensions of the "FIRE ZONE" and/or "FIRE LANE" and the placement of said signs in lieu of pavement marking.

f. The parking of motor vehicles or otherwise obstructing a "FIRE ZONE" or "FIRE LANE" shall be prohibited at all times.

g. All owners of commercial structures and commercial uses on property abutting any body of water shall have a pumping station constructed at the water having a thirty (30') foot section of bulkhead with a depth of water three (3') foot minimum at low tide. This pumping station shall be constructed with a paved surface at the bulkhead adequate for the use of heavy fire equipment and apparatus. It shall be the responsibility of the
owners of said commercial property or commercial structures to repair and maintain said pumping stations and if the Fire Marshal makes a determination that repairs are needed and said repairs are not made by the owner or owners in sixty (60) days of notification of the need for repair, such failure to make repairs will constitute a violation of this ordinance.

h. No person shall at any time park a vehicle or in any other manner obstruct any area that has been designated as hereinabove as a pumping station. Above pumping stations shall be designated a "FIRE ZONE".

i. *Blocked Fire Hydrants and Fire Department Connections.* It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections located on public or private streets and access lanes or on private property.

j. The parking of a motor vehicle within ten (10') feet of a fire hydrant or otherwise obstructing a fire hydrant or fire department connection shall be prohibited at all times. The above fire department connections shall be designated a "FIRE ZONE".

k. The Point Pleasant Borough Police and the Fire Marshal shall have concurrent jurisdiction to enforce the provisions of this section relating to "FIRE LANES", "FIRE ZONES" and "BLOCKED FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS". The Point Pleasant Borough Police are authorized to tow motor vehicles and remove all obstructions from any "FIRE LANE", "FIRE ZONE" or "BLOCKED FIRE HYDRANT". All motor vehicles and other obstructions removed pursuant to this section may be stored in a storage area approved by the Point Pleasant Borough Police Department. The cost of removal and storage shall be charged to the owner of the vehicle or other obstruction. The Point Pleasant Borough Police shall give notice to the owner of the motor vehicle or obstruction, if the owner can be identified within twenty-four (24) hours after the removal of the motor vehicle or obstruction. 
(Ord. #94-25, S 11)

17-13 PENALTY FOR FIRE ZONE AND FIRE LANE VIOLATIONS.

Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of a provision of this section or any supplement thereto shall be liable to a penalty of not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars. (Ord. #94-25, S 12)

17-14 VIOLATIONS AND PENALTIES.

All penalties under the New Jersey Uniform Fire Code (N.J.A.C. 5:18-1 et seq.) shall be adopted for the purpose of enforcing this section against any person or persons, firm, partnership or corporation, violating any of the provisions of this section. (Ord. #94-25, S 13)
CHAPTER XVIII
FLOOD PLAIN MANAGEMENT

18-1 PREAMBLE.

The Legislature of the State of New Jersey has in N.J.S. 40:48-1 et seq., delegated the responsibility to municipalities to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and the National Flood Insurance Program Regulations have imposed certain requirements for local controls in return for participation in the National Flood Insurance Program. (Ord. #588)

18-2 FINDINGS OF FACTS.

a. The flood hazard areas of the Borough are subject to periodic inundation which may result in loss of life, 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.

b. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood height and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damages. (Ord. #588, S 1.0)

18-3 STATEMENT OF PURPOSE.

It is the purpose of this Chapter 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 to:

a. To protect human life and health;

b. To minimize expenditure of public money for costly flood control projects;

c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. To minimize prolonged business interruptions;

e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
g. To insure that potential home buyers are notified that property is in a flood area. (Ord. #588, S 1.1)

18-4 METHODS OF REDUCING FLOOD LOSSES.
In order to accomplish its purposes, this Chapter uses the following methods:

a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion or in flood heights or velocities.

b. Require that uses vulnerable to floods, including facilities which serve uses, be protected against flood damage at the time of initial construction.

c. Control the alteration of natural flood plains, stream channels and natural protective barriers which are involved in the accommodation of flood waters.

d. Control filling, grading, dredging, and other development which may increase flood damage.

e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. (Ord. #588, S 1.2)

18-5 DEFINITIONS.
As used in this Chapter:

Appeal shall mean a request for a review of the Construction Official's interpretation of any provision of this Chapter or a request for a variance.

Area of Special Flood Hazard shall mean the land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year.

Base Flood shall mean the flood having a one (1%) percent change of being equaled or exceeded in any given year.

Basement shall mean any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall shall mean 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.

Development shall mean 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 located within the area of special flood hazard.
Elevated Building shall mean a non-basement building (i) built in the case of a building in an area of special flood hazard to have the top of the elevated floor or 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 of 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 still or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In areas of coastal high hazard "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal water;

b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) shall mean 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.

Flood Insurance Study shall mean the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Lowest Floor shall mean 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 shall mean a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

Manufactured Home Park or Manufactured Home Subdivision shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level shall mean the average height of the sea for all stages of the tide.

New Construction shall mean structure for which the "start of construction" commenced on or after the effective date of this Chapter.
Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348) shall include substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 the installation of streets and/or walkways; nor does it include excavation for a basement, footings, 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.

Structure shall mean a walled and roofed building that is principally above ground, as well as a mobile home.

Substantial Improvement shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either:

a. Before the improvement or repair is started, or

b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for the improvement of a structure to comply with existing state of local 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.

Variance shall mean a grant of relief to a person from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter which specific enforcement would result in unnecessary hardship.
(Ord. #588, S 2.0; Ord. #802, S 2)

18-6 GENERAL PROVISIONS.
This Section contains various general provisions and requirements for compliance.

a. Lands to Which this Chapter Applies. This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the Borough.
b. Basis for Establishing the Areas of Special Flood Hazard. The flood hazard areas of the Borough are those designated as such upon certain maps entitled "Flood Insurance Rate Map," promulgated by the Department of Housing and Urban Development, Federal Insurance Administration for the Borough, which maps identify area Zones A-4 and Z-5 as flood plain areas of special flood hazards, copies of which map are on file in the office of the Borough Clerk. These maps are incorporated herein by reference and made a part hereof and are officially adopted.

c. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.

d. This Chapter is not intended to repeal, abrogate or impair any existing easements, convenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict, or overlap, whichever imposes the more stringent restrictions shall prevail.

e. In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements.

2. Liberally construed in favor of the Borough Council.

3. Deemed neither to limit nor repeal any other powers granted under State Statutes.

f. The degree of flood protection required by this Chapter 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 Chapter shall not create liability on the part of the Borough or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. #588, S 3.0)

18-7 ADMINISTRATION.

The following are the procedures to be followed in applying for a development permit or variance. (Ord. #588, S 4.0)

18-7.1 Application. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 18-6, paragraph b. Application for a development permit shall be made to the Construction Official of the Borough on forms furnished by him and may include, but not be limited to, the following 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:

a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
b. Elevation in relation to mean sea level to which any nonresidential structure has been flood-proofed.

c. Plans showing how any nonresidential floodproofed structure will meet the floodproofing criteria herein and after the structure is built, a certification by a registered professional engineer or architect that the structure as built meets the criteria of Section 18-9, paragraph b. of this Chapter.

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

e. Plans for any walls to be used to enclose space below the base flood level. (Ord. #588, S 4.1)

18-7.2 Construction Official Appointed to Administer and Implement Chapter. The Construction Official of the Borough is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions. (Ord. #588, S 4.2)

18-7.3 Duties and Responsibilities of the Construction Official. Duties of the Construction Official shall include but not be limited to:

a. Permit Review.

1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.

2. Review all development permits to require 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 in the area of special flood hazards to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this Chapter, “adversely affects” shall mean that the cumulative effect of the proposed development when combined with all other existing and anticipating development will not increase the water surface elevation of the base flood more than one (1’) foot at any point.

b. Use of Other Base Flood Data. When base elevation and floodway data has not been provided in accordance with the Section 18-6b., 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 Section 18-9 paragraphs a. and b. pertaining to Specific Standards, Residential Construction, and Specific Standards, Nonresidential Construction.

c. Information to Be Obtained and Maintained.

1. Verify and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures.
2. For all new or substantially improved floodproofed structures.

   (a) Verify and record the actual elevation (in relation to mean seal level); and
   (b) Maintain the floodproofing certifications required herein.

3. Maintain for public inspection all records pertaining to the provisions of this Chapter.

d. Alteration of Watercourses.

   1. Notify adjacent communities and the Department of Environmental Protection prior to any alteration or relocations 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 the watercourse so that the flood carrying capacity is not diminished.

e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter. (Ord. #588, S 4.3; Ord. #802, S 3)

18-7.4 Variance Procedure. The following procedures shall be followed when an applicant petitions for a variance from the provisions of this Chapter:

a. Appeal Board.

   1. The Board of Adjustment of the Borough sitting as a Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.

   2. The Board of Appeals 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 Chapter.

   3. In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter; and

      (a) The danger that materials may be swept onto other lands to the injury of others;

      (b) The danger to life and property due to flooding or erosion damage;

      (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

      (d) The importance of the services provided by the proposed facility to the community;

      (e) The necessity to the facility of a waterfront location, where applicable;

      (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(i) The safety of access to the property in time of flood for ordinary and emergency vehicles;

(j) 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

(k) 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;

(l) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a) — (k) have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

4. Upon consideration of the factors listed above and the purposes of this Chapter, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

5. The Construction Official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

b. Conditions for Variances.

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variance shall only be issued upon:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(c) 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 or conflict with existing local laws or ordinances.

5. 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 of a designated number of feet 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.

(Ord. #588, S 4.4)

18-8 PROVISIONS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazards the following provisions are required.

a. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. 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.

b. 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 or substantial improvements shall be constructed by methods and practices that minimize flood damage.

c. Utilities.

1. All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flooded waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

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.

d. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities 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.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

e. Encroachments. 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 one (1') foot at any point.

f. Enclosure Openings. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that 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 coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. #588, S 5.0; Ord. #802, SS 4, 5, 6)

18-9 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 18-6, paragraph b., or subsection 18-7.3, paragraph b., the following provisions are required:

a. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

b. Nonresidential Construction. New construction or substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. It shall 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 subsection 18-7.3c,2.

c. Manufactured Homes. 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 at or above the base flood elevation. (Ord. #588, S 5.1; Ord. #802, SS 7, 8)
18-10 CERTIFICATION OF CERTAIN PROPERTIES LYING WITHIN FLOOD HAZARD AREAS.

18.10.1 Preamble. Certain parts of the territorial limits of the Borough lie within and are designated as Flood Hazard Areas as determined by the U.S. Department of Housing and Urban Development, Federal Insurance Administration; and the Congress of the United States has found and determined that flood hazard insurance together with other forms of financial assistance should be made available to the citizens of the United States owning properties within designated Flood Hazard Areas and has, further, for that purpose and to that end enacted the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq. In order to avail themselves of the insurance made available through the provisions of the National Flood Insurance Act of 1968, numerous individuals owning property within the territorial limits of the Borough have requested that the Borough Clerk certify that individual properties owned by such persons lie within or are designated as Flood Hazard Areas; and notwithstanding that such certification is within the best interest of the citizens of the Borough, such certification has become unduly burdensome to and a drain upon the resources of the office of the Clerk of the Borough. (Ord. #643)

18-10.2 Certification by Borough Clerk. In order to effectuate the findings and purposes of the National Flood Insurance Act of 1968, the Clerk of the Borough shall certify whether a given lot or parcel of land located within the territorial limits of the Borough of Point Pleasant lies within a designated Flood Hazard Area as determined by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, provided, however, that the persons requesting such certification shall have complied with the provisions of subsection 18-10.3 hereof. (Ord. #643, S 1)

18-10.3 Written Request for Certification. a No person shall request certification by the Clerk of the Borough with respect to the location of any lot or parcel of land located within a designated Flood Hazard Area unless such request shall be made in writing and shall set forth the following information:

1. The name and address of the person making the request for certification.

2. The location of each separate lot or parcel of land for which certification is requested setting forth the street location of the same together with the Block and Lot designation of each such separate lot or parcel as set forth on the Official Tax Map of the Borough.

3. A certification that the request is for the purpose of obtaining insurance or other financial assistance pursuant to the terms of the National Flood Insurance Act of 1968 or any Regulations adopted pursuant thereto.

b. Any request for certification made pursuant to the terms of this Section shall be accompanied by a non-refundable fee payable to the Borough in the amount of five ($5.00) dollars for each lot as set forth on the Official Tax Map of the Borough and for which certification is requested. (Ord. #643, S 2)
*Note: Chapter XIX, Land Use, is not contained in the electronic version. Copies of the chapter are available at the Borough offices.
CHAPTER XX
RESERVED.
CHAPTER XXI
SALE OF TOBACCO

21-1 PURPOSE.
Extensive medical and scientific evidence reveals and the Surgeon General of the United States has determined that the use of tobacco is harmful to a person's health such that it can lead to severe medical conditions. The American Cancer Society has cited that approximately ninety (90%) percent of today's regular smokers started before reaching adulthood. Statistics, such as this, have led the FDA to classify nicotine addiction as a pediatric disease.

Therefore, the Borough finds it necessary to limit the accessibility of cigarettes and other tobacco products to minors and to regulate the means by which tobacco products are sold in order to protect the health, safety and welfare of its residents. (Ord. #96-07)

21-2 DEFINITIONS.
As used in this Chapter, the following terms shall have the meanings indicated.

Health Officer shall mean the administrative officer of the Borough Board of Health and/or his or her authorized representative and/or his or her contracted agent.

Law Enforcement Officer shall mean any member of the Point Pleasant Police Department.

Person shall mean an individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Self-Service displays shall mean a display or display shelves designed for the customer to serve oneself without the aid of a sales clerk and where the customer is required to pay the cashier upon leaving.

Tobacco shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling and other personal use, including cigars, chewing tobacco, pipe tobacco, snuff and cigarettes in any form.

Tobacco retailer shall mean any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco are made to purchasers for consumption or use, and shall mean a person or entity that owns or operates a vending machine.

Vending machine shall mean any automated, self-service devices which, upon insertion of money, tokens or any form of payments, dispenses cigarettes or other tobacco products. (Ord. #96-07)

21-3 PROHIBITION OF TOBACCO SALES TO MINORS.
a. Pursuant to the provision of N.J.S.A. 2A:170-51, it shall be unlawful for any person to sell, give, or permit to be sold, given or furnished an individual under the age of eighteen (18), tobacco in any form.

b. A sign, not less than six inches by eight inches (6” x 8”), shall be posted in a conspicuous place near each cash register in all retail establishments which sell tobacco products containing the following language:

SALE OF TOBACCO PRODUCTS TO MINORS UNDER THE AGE OF 18 IS PROHIBITED BY LAW. Legal proof of age must be shown. A person who sells or offers to sell a tobacco product to a person under eighteen (18) years of age may be prosecuted in accordance with State and local ordinances.

(Ord. #96-07)

21-4 IDENTIFICATION REQUIRED.

It shall be unlawful for a tobacco retailer to sell or permit to be sold, tobacco to any individual without requesting an examining identification from the purchaser, positively establishing purchaser's age as eighteen (18) years or greater, unless the seller has some other conclusive basis for determining the purchaser is over the age of eighteen (18) years of age. (Ord. #96-07)

21-5 VENDING MACHINES PROHIBITED, EXCEPTIONS.

Sale of tobacco products through vending machines shall be prohibited unless the following criteria have been met:

a. The vending machine shall be equipped with a remote controlled locking device which must be in full working order.

b. The remote controlled locking device shall be operated only by the tobacco retailer or his agent or employee, who must be eighteen (18) years of age or older.

c. At no time shall the locking device be unattended so as to permit accessibility by a customer or patron of the retail establishment.

d. After the operator of the remote controlled locking device has activated the vending machine to allow a sale to take place that vending machine will deactivate itself until such time as said remote controlled locking device has been reactivated.

(Ord. #96-07)

21-6 SELF-SERVICE DISPLAYS PROHIBITED.

Self-service displays of tobacco products, from which individual packages or individual cigarettes may be selected by the customer, are prohibited. (Ord. #96-07)

21-7 ENFORCEMENT.

a. Any person, who directly or indirectly acting as agent or otherwise, sells, gives or furnishes to a minor under the age of eighteen (18) years, cigarettes made of tobacco or any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco,
shall be punished by a fine of two hundred fifty ($250.00) dollars in accordance with N.J.S.A. 2A:170-51.

b. Whenever the Health Officer, his or her designee, Code Enforcement Officer, or a law enforcement officer reasonably believes there exists a violation of this Chapter, such individual may, by written notification not later than sixty (60) days after discovery of the alleged violation, advise the tobacco retailer of the nature of the violation and that any subsequent failure or refusal to comply with this Chapter shall be subject to the penalties set forth in this Chapter.

c. Whenever the Health Officer, his or her designee, Code Enforcement Officer, or a law enforcement officer, after giving proper identification, may inspect any matter, thing, premises or place as may be necessary for the proper enforcement of provisions of this Chapter.

d. It shall be unlawful for any person to oppose or otherwise obstruct a Health Officer or his or her designee or the Code Enforcement Officer. Such individual may request the assistance of a law enforcement officer when necessary to execute his or her official duty in the manner prescribed by law.

e. Except as provided in paragraph a, above, any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than one thousand ($1,000.00) dollars, by imprisonment for a term not to exceed ninety (90) days, or by community service of not more than ninety (90) days, or any combination of fine, imprisonment, and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above, for each separate offense.

f. The violation of any provision of this Chapter shall be subject to abatement summarily by restraining order or injunction issued by a Court of competent jurisdiction.

(Ord. #96-07)
CHAPTER XXII
CABLE TELEVISION

22-1 PURPOSE OF THE CHAPTER.

The Borough hereby grants to the Comcast Cablevision of Ocean County, Inc. renewal of its non-exclusive 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 Point Pleasant a cable television and communications system. (Ord. #1996-24, S 1)

22-2 DEFINITIONS.

For the purpose of this Chapter, 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 or State definitions:

a. Municipality or Borough shall mean the Borough of Point Pleasant, County of Ocean, State of New Jersey.

b. Company shall mean the grantee of rights under this Chapter and is known as Comcast Cablevision of Ocean County, Inc.

c. Act or Cable Television Act shall mean Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, Section 48:5A-1 et seq.

d. FCC shall mean the Federal Communications Commission.

e. Board or BPU shall mean the Board of Public Utilities, State of New Jersey.

f. Office shall mean the Office of Cable Television (OCTV) of the Board of Public Utilities.

g. Basic Cable Service shall mean any service tier which includes the retransmission of local television broadcast signals as defined by the FCC.

(Ord. #1996-24, S 2)

22-3 STATEMENT OF FINDINGS.

Public hearings conducted by the Borough, 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, including the hearing on the application held on October 15, 1996, having 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 Consent, 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. (Ord. #1996-24, S 3)

**22-4 DURATION OF FRANCHISE.**

The non-exclusive consent granted herein shall expire ten (10) years from the date of expiration of the previous Certificate of Approval as issued by the Board of Public Utilities. (Ord. #1996-24, S 4)

**22-5 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 Borough two (2%) percent of the gross revenues from all 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 or otherwise allowable by law, which ever is greater. (Ord. #1996-24, S 5)

**22-6 FRANCHISE TERRITORY.**

The consent granted under this Chapter to the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto. (Ord. #1996-24, S 6)

**22-7 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 non-standard installations. (Ord. #1996-24, S 7)

**22-8 SYSTEM UPGRADE.**

Comcast shall complete an upgrade of the cable television distribution system serving the Borough no later than November 30, 1997. 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. (Ord. #1996-24, S 8)

**22-9 CONSTRUCTION REQUIREMENTS.**

**22-9.1 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. (Ord. #1996-24, S 9)

**22-9.2 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. (Ord. #1996-24, S 9)

22-9.3 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. (Ord. #1996-24, S 9)

22-10 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 written request of the Borough Administrator or Clerk. (Ord. #1996-24, S 10)

22-11 MUNICIPAL COMPLAINT OFFICER.
The Office of Cable Television is hereby designated as the complaint officer for the Borough of Point Pleasant 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 Borough customers from the OCTV. (Ord. #1996-24, S 11)

22-12 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. Such local business office shall be open during normal business hours, and in no event less that 9:00 a.m. to 5:00 p.m., Monday through Friday. The local business office shall be located within ten (10) miles of the Borough's municipal boundaries. Telephone response for such purposes as mentioned herein will be provided by the Company's employees, representatives or agents twenty-four (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. (Ord. #1996-24, S 12)

22-13 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. (Ord. #1996-24, S 13)
22-14 SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by Federal and State law. (Ord. #1996-24, S 14)

22-15 PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS.

Upon completion of the system-wide upgrade, the Company shall provide one (1) dedicated Public, Educational and Governmental (P.E.G.) Access Channel ("Access Channel") to be utilized by the Borough of Point Pleasant along with the other Ocean County municipalities served by the Company.

a. The Company shall provide the Borough with a one-time grant in the amount of thirty thousand ($30,000.00) dollars within twelve (12) months of receipt of a Renewal COA for the purchase of video production equipment or to be otherwise used in support of the Access programming or as the Borough deems appropriate.

b. The Company shall appoint an Access Coordinator who, upon reasonable request, shall conduct training sessions in basic television production for interested groups and individuals in the Borough.

(Ord. #1996-24, S 15)

22-16 COMMITMENTS BY THE COMPANY.

a. The Company shall provide free standard installation and expanded basic service monthly on up to ten (10) outlets in each school in the Borough, public and private, elementary, intermediate and secondary. Each additional outlet installed, if any, shall be paid for by the school 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 free standard installation and expanded basic service monthly on one (1) outlet to each police, fire, first aid, emergency management facility, public library in the Borough as well as Borough Hall at no charge. Each additional outlet installed, if any, shall be paid for by the Borough on a materials plus labor basis. Monthly service charges shall be billed at the regular tariffed rates for additional outlets.

c. Company representatives shall appear at least once annually, upon written 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.

d. The Company shall make every effort to deploy advanced technology in the Borough as the technology becomes commercially available and economically feasible. That technology shall include but not be limited to: video on demand; digital video compression; Internet access, high speed cable modems, and interactive program guides.

(Ord. #1996-24, S 16)

22-17 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. (Ord. #1996-24, S 17)

22-18 EMERGENCY USES.

Upon activation of the State's Emergency Alert System ("EAS"), 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's participation in the EAS shall be in compliance 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. The municipality, along with the Company, shall establish reasonable procedures for such emergency uses. (Ord. #1996-24, S 18)

22-19 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, judgement, execution or demand in the minimum amounts of one million ($1,000,000.00) dollars for bodily injury or death to one (1) person, and one hundred thousand ($100,000.00) dollars for property damage resulting from one (1) accident. (Ord. #1996-24, S 19)

22-20 INCORPORATION OF THE 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. (Ord. #1996-24, S 20)

22-21 SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Chapter 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 invalidity or unconstitutionality shall not affect the validity of the remaining portions of the Chapter. (Ord. #1996-24, S 21)

22-22 EFFECTIVE DATE.

This Chapter shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU. (Ord. #1996-24, S 22)