Borough of Neptune City
Regular Meeting of the Mayor and Council
Agenda
April 25, 2022

Call to Order
Roll Call:
Open Public Meetings Act
Flag Salute

MINUTES
Approval of Minutes from 2/14/2022, 2/28/2022, 3/14/2022, 3/28/2022

COMMUNICATIONS
Resolution from the Neptune City Land Use Board regarding Block 13 Lot 1 and Block 18 lot 1

PRESENTATIONS

BOARD OF EDUCATION REPORT

MAYORS REPORT

COUNCIL REPORTS
Administration & Finance – Brian Thomas
Public Works – Danielle Pappas
Law & Ordinance – Glen Kocsis
Administration & Justice – Dana Farley
Special Services- Pamela Renee
Human Services- Scott Dellett

ADMINISTRATORS REPORT

PUBLIC PARTICIPATION (FOR AGENDA ITEMS)

UNFINISHED BUSINESS

Ordinance 22-04 Adoption Short Term Rentals
Ordinance 22-05 Adoption Outdoor Dining
Ordinance 22-06 Adoption Redevelopment Plan

NEW BUSINESS

Ordinance 22-07 Introduction of Cap Bank Ordinance

CONSENT AGENDA
All items listed are considered to be routine and non-controversial by the Mayor and Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies and adoption of all resolutions, receive and file letters, correspondence, reports and approval of applications and minutes.

Resolution 22-54 Payment of Bills
Resolution 22-55 Authorizing payment #1 to A. Takton Concrete Corp.
Resolution 22-56 Authorizing NCFD Coin Toss dates
Resolution 22-57 Introduction of the 2022 Budget
Resolution 22-58 Certification of Compliance with US Equal Employment Opportunity Commission
Resolution 22-59 Refund of Park use Application fee

PUBLIC PARTICIPATION
AJOURN

RESOLUTION

of the

LAND USE BOARD OF THE BOROUGH OF NEPTUNE CITY, IN THE COUNTY OF MONMOUTH REGARDING REDEVELOPMENT PLAN FOR A POTION OF BLOCK 13, LOT 1 AND BLOCK 18, LOT 1

RECITALS:

A. **WHEREAS,** in accordance with the provisions of the Local Redevelopment and Housing and Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "LRHL"), the Borough Council of the Borough of Neptune City, in the County of Monmouth ("Borough Council") based upon the criteria set forth in *N.J.S.A.* 40A:12A-5 and the April 13, 2021 recommendation of this Land Use Board, determined that the real property identified as a portion of Block 13, Lot 1 and Block 18, Lot 1 on the Tax Map of the Borough ("Property") met the criteria for designation as an area in need of redevelopment;

B. **WHEREAS,** on March 9, 2021, the Land Use Board held a properly noticed public hearing at which the Borough's professional redevelopment planner Jennifer Beahm, PP, AICP of Leon S. Avakian Inc. presented the findings of a preliminary investigation report (the "**Investigation Report**") resulting in a determination to recommend that the Properties be designated as an area in need of redevelopment; and

C. **WHEREAS,** on April 13, 2021, the Land Use Board accepted and adopted the recommendations and proposed findings of the Investigation Report and recommended to the Mayor and Council that the Properties be declared a Non-Condemnation Area in Need of Redevelopment; and

D. **WHEREAS,** on April 26, 2021, the Borough adopted Resolution No. 21-81 declaring the Properties to be an area in need of redevelopment for non-condemnation purposes; and

E. **WHEREAS**, the Borough's professional redevelopment planner, Jennifer Beahm, PP, AICP, has prepared a Redevelopment Plan entitled the "East Coast Ice Redevelopment Plan" dated April 12, 2022 regarding Block 13, Lot 1 and Block 18, Lot 1 (the "**East Coast Ice Redevelopment Plan**"); and

F. **WHEREAS,** The East Coast Redevelopment Plan was prepared and subsequently forwarded to Members of the Land Use Board and its professionals on or about Monday April 12, 2022;

G. At a meeting held April 12, 2022, the Land Board reviewed the Plan entitled East Coast Ice Redevelopment Plan and heard the comments of professionals its own professionals; opened the meeting for public comment and deliberated on the matter.

NOW THEREFORE BE IT RESOLVED, by the Land Use Board of the Borough of Neptune City as follows:

1. The aforementioned Recitals and attachment are incorporated herein by reference as if fully set forth at length.

2. The Land Use Board has reviewed the Plan and has determined that the Plan entitled "East Coast Ice Redevelopment Plan"; is consistent with the Master Plan and is recommended for adoption and that the Land Use Board has no recommendation as to the plant.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Borough Clerk and that the Board Secretary be directed to publish notice of this decision in the official newspaper of the Borough of Neptune City.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the resolution adopted by the Borough of Neptune City Land Use Board at a meeting held on April 12, 2022.

Susan Y. Hewitson, Secretary
Land Use Board of the Borough of Neptune City

The vote on the Resolution of memorialization was as follows:

YES: Andrew Wardell, Dana Farley, Randy Reynolds, Robert Reynolds, Michele McGuigan, Craig Morcom and Sharon Williams

NO: None

ABSTAIN: None

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, REGULATING RENTALS IN THE BOROUGH, INCLUDING SHORT TERM RENTALS

WHEREAS, pursuant to N.J.S.A. 40:52-1(d) and (n), the Borough of Neptune City is expressly authorized to regulate the rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere; and

WHEREAS, in order to promote and protect the health, safety, and welfare of the residents and visitors of the Borough, the governing body wishes to regulate the rental or real property in the Borough, including short term rentals; and

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

CHAPTER ___ is hereby added as follows:

§ ___ HOUSING CODE ADOPTED.

§ ___ Adoption of Code.

The International Property Maintenance Code 2021, together with any subsequent amendment, change, or supplement thereto, is adopted and incorporated herein as it fully set forth at length, save and except such portions as are hereinafter deleted, modified, or amended, in and for the Borough of Neptune City. Wherever the International Property Code is referenced herein, the reference is to the most recent International Property Code.

§ ___ Where Code May Be Examined.

The International Property Maintenance Code is posted on the Borough's website for the use and examination of the public.

§ ___ Copies on File.

Copies of said International Property Maintenance Code will be available for use and examination by the public at the office of the Construction Official or the Borough Clerk, together with any resolutions amending the Code. Copies of the Code will also be available for purchase at the at the office of the Building Department.

§ ___ Amendments.

Amendments to the International Property Maintenance Code shall be filed pursuant to this Chapter.

§ ___ Definitions.

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

ANNUAL RENTAL

A residence building which all or part thereof is leased on a calendar year basis, or for twelve (12) consecutive months, but not to include a rooming unit in a registered rooming house, motel, or hotel.

DWELLING

Any building or portion thereof designed or used exclusively for one or more dwelling units.

DWELLING UNIT

A unit of a minimum of one (1) room and bath providing complete living facilities for one family, including facilities or provisions for facilities required in the storage, preparation, serving and clearing of food.

RENTAL

Includes the use of a residence by someone other than the owner, even where no funds are transferred for said use.

SECONDARY RESIDENCE

A residence which is not the principal abode of an owner, but not to include a rooming unit in a registered rooming house, motel, or hotel.

SEGMENTED DWELLING

A room within or section of a dwelling that constitutes an area less than the entire dwelling.

§ ___ ROOMING HOUSES.

§ ___ ANIMAL HOUSE REGULATIONS.

a. Purpose and findings. The Borough finds, determines, and declares that:

1. Neptune City is a resort community, and its citizens have experienced disturbances, damage, and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants by inept or indifferent landlords.

2. This section is enacted to preserve the peace and tranquility of the community for its residents and to maintain the municipality as a viable vacation resort for all persons and families availing themselves of the facilities in the community.

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3. The enactment of this section is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible rentals.

4. The Legislature of the State of New Jersey enacted N.J.S.A. 40:48-2.12n et seq. to enable communities to take effective action to assure that excesses, when they occur, shall not be repeated and that landlords offering rentals shall be held to sufficient standards of responsibility. Pursuant to the legislative authority conferred therein, the Borough hereby adopts the regulatory measures set forth in this Chapter.

5. In addition to the statutory authority set forth in N.J.S.A. 40:48-2.12n et seq., the Borough, pursuant to the legislative powers conferred by N.J.S.A. 40:48-1 et seq. and N.J.S.A. 40:60-6, hereby adopts the additional regulatory measures set forth herein.

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

HEARING OFFICER

A licensed attorney of the State of New Jersey appointed by the Borough of Neptune City. The hearing officer shall not own or lease any real property within the Borough of Neptune City, nor hold any interest in the assets of or profits arising from the ownership of such property.

LANDLORD

The person or persons who own or purport to own any building in which there is rented or offered for rent, housing space for living or dwelling under either a written or oral lease, including, but not limited to, any building subject to the Hotel and Multiple Dwelling Law, P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.) and owner-occupied two-unit premises.

RENTAL

Any rental of residential accommodations for any period of time. This section shall apply to rooming houses, boardinghouses, and lodging houses licensed or regulated under other ordinances of this Borough, as well as to single-family residential dwellings, apartments, or other multiunit dwellings.

SUBSTANTIATED COMPLAINT

An act of disorderly, indecent, tumultuous or riotous conduct, which shall include, but not be limited to, disorderly or petty disorderly persons' offenses, ordinance violations, drinking in public, lewdness, urinating in public, defecating in public, and acts of criminal mischief, committed upon or in proximity to any rental premises and attributable to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance governing disorderly conduct. For purposes of this definition, the phrase "upon or in proximity to" shall mean anywhere on the property or upon or within the adjacent right-of-way.

c. Hearing on proceedings to require posting of bond and assessment of penalties.

1. If, in any twenty-four (24) month period, two (2) complaints, on separate occasions, of disorderly, indecent, tumultuous or notorious conduct, which shall include, but not be limited to, disorderly or petty disorderly persons' offenses, ordinance violations, drinking in public, lewdness, urinating in public, defecating in public, and acts of criminal mischief, shall be committed upon or in proximity to any rental premises and are attributable to the acts or incitements of any of the tenants of those premises and have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance governing disorderly conduct, the Borough Council, or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incidents of the same character.

2. The Borough Council, or any such employee of the municipality designated by the Borough Council, shall cause to be served upon the landlord, in person, or by registered mail, to the address appearing on the tax records of the municipality, and to the agent of the owner identified by the owner pursuant to this Chapter, by registered mail, notice advising of the institution of such proceedings together with particulars of the substantiated complaint upon which those proceedings are based and of the time and place at which the hearing will be held in the matter, which shall be in the municipal building, municipal court, or such other public place as designated by the Borough Council and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.

3. At the hearing convened pursuant to Subsection (c)(2) above, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. The hearing officer may consider, to the extent deemed relevant by the hearing officer, prior complaints about the residents of the property, even if those complaints did not result in a conviction. At the conclusion of the hearing, the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this section.

4. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:

    a. Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises; and

    b. Securing the payment of fines and penalties likely to be levied for such offenses; and

5. Any bond or other security deposited in compliance with Subsection c4 above shall remain in force for a period of four years. Upon the lapse of the four-year period, the landlord shall be entitled to the discharge of the bond unless, prior thereto, further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under Subsection d below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property shall not void a requirement for security imposed under this section. The person or persons to whom ownership or control is transferred shall maintain that security and shall be subject to injunctive proceedings as authorized by Subsection (c)(4) above in the same manner as the landlord upon which the requirement was originally imposed; provided, however, the Borough Council may, by resolution, shorten the period for which security is required to not less than one year from the date of the transfer of ownership or control if, during that year, no substantiated complaints are recorded with respect to the property in question.

e. Bond forfeiture; extension.

1. If, during the period for which a landlord is required to give security pursuant to Subsection (c) above, a substantiated complaint is recorded against the property in question, the Borough Council or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension, as provided in Subsection (c)(5) above, of the period for which the security is required, or for an increase in the amount of security required or for any or all of those purposes.

2. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in Subsection (c)(4) above. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in Subsection (c)(4) above and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change, in order to effectually carry out the purposes of this section. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in Subsection (c)(4) above.

f. Revocation or suspension of licenses.

1. Causes. Any license granted or issued pursuant to this Chapter may be suspended or revoked as provided herein, after notice and hearing, for any of the following causes:

a. In the event any tenant or occupant of any individual living unit upon the licensed premises 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 this Chapter.

b. In the event two (2) such complaints are issued during one licensing year and result in convictions in municipal court, then such convictions may be grounds for suspension or revocation of the license. In the event the owner of the licensed premises is the complaining party and said complaint results in a conviction in municipal court, such conviction shall not be counted as a complaint for purposes of license suspension or revocation.

§ ___ RESPONSIBILITY.

The owner, tenant, occupant, agent, or contractor shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use premises which do not comply with the following requirements of this Chapter.

§ ___ RENTAL CERTIFICATE OF INSPECTION; RENTAL LICENSE REQUIRED.

a. Rental certificate of inspection required. The owner or owners of any dwelling unit, or any agent acting on behalf of any owner or owners as defined herein, who intends to rent or lease all or any part thereof as a residential rental, during all or any portion of the ensuing year, shall first make application to the Construction Official of the Borough for the issuance of a rental certificate of inspection on each form or forms as may be required by the Construction Official. Such application shall be accompanied by the appropriate filing fee as set forth in in this Chapter.

b. Rental license required. No person, corporation or partnership shall let or lease any furnished or unfurnished housing or living unit for residential purposes for occupancy, including the period between May 15 and September 30, unless a license to let each such unit is first procured and kept in effect at all such times as required by this chapter or any other law or ordinance of the Borough of Neptune City.

§ ___ FEES.

The fee for such license or renewal thereof shall be $300 per unit, and the license shall be valid for the calendar year of its issue. Any subsequent reinspection or failure to show for a scheduled inspection is $100.

§ ___ CONTENTS OF APPLICATION FOR CERTIFICATE OF INSPECTION AND APPLICATION FOR LICENSE.

Every person required to procure a certificate of inspection and a license under the provisions of this chapter shall submit an application for such to the Construction Department at the Municipal Building of the Borough of Neptune City, which application shall be accompanied by the full amount of the fees chargeable for the certificate and/or license sought. All applications for a certificate or license under the provisions of this chapter shall be by a written statement upon the forms provided by the Construction Department and shall contain the following:

a. A statement that there have been no prior revocations or suspensions of license, and that there are no pending open complaints awaiting a hearing. In the event that there has been

a prior revocation, suspension or violation, or a pending complaint, the Construction Code Official shall not issue the license or certificate. An appeal from the Construction Code Official's decision not to issue the license may be taken as provided herein; and

b. A statement that neither the property or the individual applicant, or any entity that the individual applicant has been a member of, or an owner of, has had any prior violations of any Borough ordinance since January 1, 2022, and that there are no pending complaints awaiting a hearing. In the event that there has been a violation, or is a complaint, the Construction Code Official shall not issue a license or certificate. An appeal from the Construction Code Official's decision not to issue the license or certificate may be taken as provided herein; and

c. A statement that the applicant is not violating the Zoning Ordinance of the Borough of Neptune City at the property in question; and

d. The name of the person to whom the license will be issued and his or her residence address; if the applicant is not an individual, then the names, positions, and the residence addresses of all officers and managers of the applicant; and

e. 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; and

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

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

h. A drawing, satisfactory to the Construction Code Official, delineating the approved driveway and any and all legal parking spaces on the property, and clearly delineating the front, side and rear yards of the property. Said delineation shall be by way of a permanent, unmovable marker approved by the official who conducts the certificate of inspection. The drawing shall prominently announce the fact that there is no parking on the delineated front, side and/or rear lawns. A copy of this drawing shall be kept on file in the Building Department and the Police Department. The owner shall post a copy of the drawing in the dwelling unit in the same location as the certificate of inspection for the unit and deliver a copy of such drawing to each and every tenant at the beginning of the tenant's rental term. Any dispute concerning the drawing shall be an appeal to the Zoning Board from the determination of the Construction Code Official.

§ ___ INSPECTION OF RENTAL UNIT.

a. After submission of the application and the required fees to the Construction Department, the Code Enforcement Officer shall make any investigation necessary to determine if there has been compliance with the Borough Code, including the provisions of this Chapter and all applicable fire codes, and shall indicate his written approval or disapproval of the application within twenty (20) business days after the application is filed with the Construction Department.

b. If approved, the certificate or license shall be issued by the Construction Department. If disapproved, the Code Enforcement Officer shall notify the applicant and the Borough Construction Code Official, 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.

c. If a rental license has been denied, the appeal shall be to the governing body 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.

d. Upon the filing of the application the Construction Official, or his subordinates or designates, shall conduct an inspection of the subject units within thirty (30) days from the filing of the application. Any reinspection(s) as provided herein shall be made within ten (10) days from the date the Construction Official is notified, in writing, by the applicant that the violations cited have been abated.

e. All rentals shall be inspected at least once every three (3) years upon application and, for rentals of a year or more, upon a change of occupancy. The applicant shall be required to list the name(s) and permanent addresses of all who will occupy the premises during the tenancy.

f. All certificates of occupancy issued under this chapter shall expire on December 31 of the year in which they were issued, unless the tenancy is for more than a year, in which case the certificate of inspection shall expire on December 31 of the third (3rd) year.

g. All licenses issues under this Chapter shall expire on December 31 of the year issued.

§ ___ NOTICE OF VIOLATIONS.

Notice of any violations of the aforesaid inspection(s) shall be provided to applicant pursuant to the International Property Maintenance Code. Upon correction of the violation(s), the applicant shall notify the Construction Official, in writing, of such fact, and a reinspection shall be made upon payment of the appropriate fee.

§ ___ ISSUANCE OF CERTIFICATE, LICENSE.

Upon completion of a satisfactory inspection, the Construction Official shall forthwith issue the certificate of inspection and/or license. The certificate of inspection and/or license will expire on December 31 of the year issued, or until a change in tenancy occupancy occurs, whichever occurs first.

§ ___ LICENSE SPECIFICATIONS.

Each license issued under the provisions of this chapter 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.

e. Name and signature of the individual performing the inspection.

f. Date of final inspection.

g. Number of permitted occupants.

§ ___ FAILURE TO OBTAIN INSPECTION.

In the event that an owner or owners or any agent acting on behalf of any owner or owners or any residential property fails to obtain an inspection on a change of tenancy or as otherwise required by this Chapter, said owner or owners and agent shall have committed a violation of this Chapter.

§ ___ DURATION OF RENTALS.

§ ___ Purpose and Scope.

a. Authority. In accordance with New Jersey law, a municipality may make and enforce within its limits, all ordinances and regulations not in conflict with general laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. The Borough of Neptune City hereby adopts the within Ordinance in accordance with said authority.

b. Purpose and Scope. This section aims to curtail, and in certain circumstances prohibit, the increasingly widespread practice of renting or leasing various types of dwellings, or segments thereof, located primarily in residential neighborhoods, on a short-term basis to transient guests. This practice has been popularized and facilitated by various websites that advertise and broker these rentals. Left unregulated, this practice will transform many residential dwellings into a detriment to the health, safety, and quiet enjoyment of the affected neighborhoods.

c. This section does not apply to lawfully established and operating hotels, motels, rooming houses, boardinghouses, and bed-and-breakfast establishments.

d. Notwithstanding the provisions of this Chapter, no rental shall be permitted without obtaining a required certificate of inspection and license prior to occupancy.

§ ___ Short-Term Rentals Prohibited.

No type of dwelling unit, as defined in §134-4, or segment thereof, may be rented or leased for a term of less than thirty (30) consecutive calendar days.

§ ___ Exceptions for Seasonal Short-Term Rentals.

Notwithstanding the restriction set forth above, minimum rentals of seven (7) days or more of a dwelling unit are permitted during the period from May 15 through September 30.

§ ___ Exceptions for Owner-Occupied.

Notwithstanding the restriction set forth above, the duration restriction shall not apply to owner-occupied single family dwelling units and/or multiple family dwelling units so long as the owner personally resides in one of the units during the time of the tenancy.

§ ___ REGULATIONS.

In addition to any other provision of law, every licensee and/or certificate holder under this chapter shall:

a. Permit all reasonable inspections of the premises.

b. Permit access to the premises at all reasonable times by the Code Official and or his designee.

c. Ascertain and at all times comply with all laws and regulations applicable to such 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 or certificate and during the period when his license or certificate is revoked or suspended.

f. Post and maintain his license and certificate upon the licensed premises in a place where it may be seen at all times.

g. No basement, kitchen, garage, lobby, hallway, barn or porch shall be used or occupied as a sleeping room in any premises registered under the provisions of this chapter.

h. No rental shall occur for occupancy of more than the number of individuals permitted to occupy the bedrooms.

i. Obtain a Certificate of Inspection issued by the Borough Code Enforcement Official.

§ ___ COMMERCIAL RENTALS.

The lease or rental of any dwelling for commercial or corporate purposes is prohibited.

§ ___ RENTALS OF AMENITIES.

The lease or rental, for any purpose, of any amenity, feature, accessory, or appurtenance to or associated with, a dwelling is prohibited.

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§ ___ ADVERTISEMENT.

The print, electronic, or internet advertisement of any rental that is prohibited by or fails to comply with the provisions of this Chapter, including the regulations on duration, or any other applicable provision of the Borough Code, is prohibited. Anyone who publishes such an advertisement, including AirBnB, VBRO and the like, shall be guilty of a violation of this Chapter.

§ ___ ENFORCEMENT.

It shall be the duty of the Chief of Police, the Code Enforcement Officer and/or any police officer of the Borough of Neptune City to determine if this Chapter has been complied with, and to enforce the provisions of this Chapter against any person found to be violating the same. Any police officer, Code Enforcement Official, or other employee of the Borough so authorized by the Borough Administrator may issue a summons for violation of this Chapter.

§ ___ POSTING OF LIST OF NAMES AND ADDRESSES OF TENANTS.

a. The landlord licensee shall post on the back of the front door of the premises the rental certificate of inspection required 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.

b. In the event of a change in tenancy, the licensee shall file with the Construction Department a list of the names and permanent addresses of the new tenants, a copy of which shall be posted as required above.

c. Failure to file said list within two business days after commencement of a tenancy shall cause the expiration of all licenses. Any such expired licenses must be renewed with an application as with any application for a new license.

§ ___ REVOCATION OF CERTIFICATE.

In addition to any other provisions of the Borough Code, if subsequent to the issuance of a rental certificate of inspection, the Construction Official, his subordinates or designates learn or become aware of violations of this Code, an inspection shall be made of the subject premises. If violations are found to exist, the Borough may, in its discretion, proceed under the provisions of the International Property Maintenance Code, or any other applicable, regulation, rule, ordinance, statute or other law. In addition thereto, if cited violations are not abated within ten (10) calendar days from service of the notice, the rental certificate of inspection shall be revoked by the Construction Official by mailing a notice of revocation by certified mail to the owner or owners and to the tenant or tenants and the premises shall then be vacated. The Construction Official has the discretion to allow a longer period of time for the correction of violations if warranted and reasonable under the circumstances.

§ ___ REVOCATION OR SUSPENSION OF LICENSES.

Any license granted or issued pursuant to this chapter may be suspended or revoked as provided herein after notice and hearing for any of the following causes:

a. Any fraud, misrepresentation or false statement contained in the application for license.

b. Any violation of this chapter or any Borough ordinance.

c. Conducting the use, licensed under this chapter, 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.

§ ___ HEARING ON PROCEEDINGS FOR LICENSE SUSPENSION OR REVOCATION.

a. Notice of hearing for revocation or suspension of a 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, and the complainant, at least five (5) days prior to the date set forth for the hearing.

b. Conduct of hearing. The hearing shall be held before a 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 chapter. 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.

§ ___ COMPLAINTS.

In addition to the provision for revocation, the Code Enforcement Officer, the Chief of Police, any police officer of the Borough of Neptune City, or any taxpayer or resident of the Borough, may make complaint in the Municipal Court of the Borough of Neptune City for any violation of this Chapter, or any article, section, paragraph, or provision thereof.

§ ___ REPORTING OF VIOLATIONS.

The Municipal Court Clerk of the Borough of Neptune City shall report all dispositions of guilt related to this Chapter to the Chief of Police and Construction Official in the Borough of Neptune City within twenty (20) days of the date of said guilty disposition by written notification.

§ ___ VIOLATIONS AND PENALTIES.

a. Every person convicted of a violation of a provision of this Chapter shall be subject to the maximum fine and penalties established under N.J.S.A. 40:49-5, and any subsequent amendments thereto.

b. Each and every day a violation of this Chapter persists shall constitute a separate violation.

c. In addition to any other penalty, a property owner shall be denied a certificate of inspection and a license for all rental properties in which any of the owners or their principles has an interest for a period of two (2) years after a conviction for violation of this Chapter.

d. In addition to any other penalty, any real estate agent, broker, or other real estate professional who assists in a violation, or otherwise participates in a rental prohibited under this chapter, shall be prohibited from applying for, or receiving, any certificate of inspection or license for any property for a period of two (2) years from the date of the conviction for violating this chapter.

e. To the extent the conduct prohibited under this Chapter also violates other provisions of the Borough Code, those violation. constitute separate offense subject to additional fines and penalties as prescribed.

DRAFT

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ADOPTING REGULATIONS FOR OUTDOOR DINING

WHEREAS, as a result of the COVID-19 pandemic and the emergency orders issued by the State and Federal authorities, several businesses in the Borough of Neptune City have utilized outdoor seating space for the provision of food and beverages; and

WHEREAS, the Borough anticipates that these businesses will continue with the provision of outdoor dining, if permitted by local ordinance and regulation; and

WHEREAS, the Borough requires to provide the owners and operators of restaurants in the Borough the opportunity to obtain a license permitting outdoor dining service without the cost, expense, and delay of the requirement to obtain approval of the site plan by the Borough of Neptune City Planning Board; and

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

CHAPTER ___ is hereby added as follows:

§ ___ OUTDOOR DINING

§ ___ Outdoor Dining Permitted.

All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, and all holders of a liquor license with retail consumption privileges (hereinafter "Establishments") are permitted to off in-person service in outdoor areas, provided that the Establishment obtains an Outdoor Dining Permit from the Borough of Neptune City for outdoor dining in accordance with the requirements set forth herein.

§ ___ Permit Required.

The Outdoor Dining Permit Application shall include a completed application, signed and dated by the owner of the Establishment, or such owner's authorized agent, together with a plan depicting the existing and proposed layout and location of such outdoor tables and seating, which shall also include a confirmation of the number of existing approved tables and seats, a depiction of all aisles, routes of ingress and egress, clearances and distances between tables and between the seating area of any curb line (six (6) foot minimum pedestrian clearance is required), trash and recycling receptacles, any proposed lighting, and any proposed temporary structures to protect the outdoor dining area from the elements. In addition to the creation and/ or expansion of the outdoor dining area, the application and plan may include proposed awnings, tents, and other similar devices to protect the outdoor dining areas from the elements, and any additional wiring, heating, and/or electrical changes that are proposed within this new outdoor seating area, provided that no

permanent structures shall be permitted under this Chapter. If the owner of the Establishment is not the owner of the property, the property owner must also sign the application.

§ ___ Expanded Outdoor Dining Areas.

a. The application and plan for outdoor dining may propose expanded outdoor dining areas, including, but not limited to, sidewalks, decks, patios, and private lawns contiguous with the Establishment, provided that any area proposed for outdoor seating and dining must be accessible from the Establishment, shall not obstruct the free flow of pedestrian traffic, and shall provide a safe location for patrons.

b. Parking areas will not be permitted.

c. The total amount of seats available to patrons shall not exceed the permitted occupancy of the Establishment.

d. In the event the outdoor dining area is proposed to be located in the right of way in front of a neighboring property, it must be an immediate neighboring property and written consent of the neighboring property owner shall be provided as part of the application.

e. If the neighboring property is not owner-occupied, the written consent of any tenant(s) shall also be provided.

§ ___ Review of Permit Application.

The application and plan for an Outdoor Dining Permit shall be reviewed by the Borough Zoning Officer, Construction Official, Borough Administrator, Fire Official, and Police Department (hereinafter "Reviewer"). At the discretion of any Reviewer, additional information needed to process the application may be required and must be submitted by the applicant. The Outdoor Dining Permit does not replace, or eliminate the need for, any construction permit required for any improvement at the Establishment's outdoor dining area.

§ ___ Standards for Permits.

The following standards are created for the outdoor dining areas:

a. Outdoor dining areas must be designated and operated in accordance with the State of New Jersey, Department of Health, and any applicable County Health Department requirements.

b. Outdoor dining areas may be located on sidewalks, decks, patios, and private lawns contiguous with the Establishment. Parking areas will not be permitted.

c. If the contiguous area is located in a County Right of Way, approval from the County must be obtained.

d. Lighting will be required if the outdoor dining area is proposed to be utilized after dusk and there is inadequate existing lighting. Electrical permits may be required.

e. A non-enclosed tent, awning or umbrellas may be utilized within an outdoor dining area provided they do not restrict pedestrian access. Six (6) foot minimum pedestrian clearance is required. A tent permit from the zoning department must be obtained annually and Fire Department approval must be obtained, if applicable.

f. Serving stations and a host podium may be located within an outdooring dining area. There shall be no outdoor cooking allowed.

g. No change in grading will be permitted in order to create an outdoor dining area.

h. Establishments with existing outdoor dining areas may seek to expand the existing area in accordance with the regulations set forth herein.

i. The operator of an outdoor dining area shall be responsible to provide, maintain, and empty an adequate amount of outdoor trash and recycling receptables for the outdoor dining area, and shall not be permitted to dispose of trash or recycling into municipal receptacles.

j. The operator of an outdoor dining area shall be responsible for maintaining a sanitary, safe, litter-free, and well-kept appearance of the property at all times.

k. Adequate provision for pedestrian safety must be provided. To allow for pedestrian circulation, a minimum of six (6) feet of sidewalk along the curb and to the entrance of the establishment shall be maintained and free of tables and other encumbrances. Sidewalk seating must be limited to tables of four (4) seats or less.

l. Planters, posts with ropes, wrought iron railings, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the outdoor dining area.

m. To the extent possible, all elements of the outdoor dining area shall be compatible with the architectural character of the building where the establishment is located.

n. Outdoor dining areas may have outdoor heaters, provided same are in locations identified on the plan and subject to inspection by the Borough Zoning Officer and/ or the Fire Department.

o. Establishments with outdoor dining areas shall not be entitled to additional signage, over and beyond what is permitted for the restaurant use.

p. Establishments with on-premises retail consumption privileges are responsible for compliance with the New Jersey Alcoholic Beverage Control Commission.

q. No live outdoor entertainment/performances will be permitted in the outdoor dining areas permitted by this Code. Any other outdoor music must comply with Borough noise ordinances and be considerate of businesses and residential neighbors.

§ ___ General Permit Conditions.

Outdoor Dining Permits shall be subject to the following general conditions:

a. Outdoor Dining Permits are valid from April 1st through November 30th.

b. An Outdoor Dining Permit may be amended or revoked if the Borough Administrator or his/her designee identifies a safety issue that may involve but not be limited to traffic, fire, pedestrian safety, or trash management, and/or if the Establishment fails to comply and/or if conditions of the penult are not adhered to.

c. For any outdoor seating and dining activities in a public right-of-way, the Establishment shall provide a Certificate of Insurance, with acceptable limits of coverage as required by the Borough Administrator, naming the Borough as an additional insured, and shall indemnify and hold harmless the Borough, its employees, agents and/or officers from all claims, losses, liens, expenses, suits, including costs and attorney's fees, arising out of the placement, operation and maintenance of the outdoor dining area approved by said Outdoor Dining Permit.

d. All expenses and expenditure of any funds in reliance on the provisions of the Outdoor Dining Permit shall be at the Establishment's sole and exclusive cost and expense.

e. Any changes to a permit granted hereunder shall require the submission of a new permit application.

§ ___ Existing Approvals.

Nothing herein shall prevent the continued use of outdoor dining area at any establishment already authorized and approved by the Borough pursuant to any prior site plan or other land use approval. Outdoor dining areas authorized by an Outdoor Dining Permit shall be conducted during the same hours of operation currently applicable to the establishment.

§ ___ Approvals.

The issuance of an Outdoor Dining Permit for outdoor dining, including, but not limited to, location, scope, setbacks, and size of the outdoor dining area, is solely in the discretion of the Borough. In order for an application to be considered for administrative approval, the following must be met:

a. There must be an approved site plan on file with the Borough for the site.

b. All of the conditions indicated above must be met.

c. If any of the conditions listed above cannot be met, or if the applicant does not agree with the determination made by the Borough Administrator or his/her designee, the applicant shall make an application to the Land Use Board for site plan approval.

d. No new impervious cover is proposed.

e. The cost of the administrative review shall be $250.00 and shall be nonrefundable.

§ ___ Violations and Penalties.

Any person or entity who violates any provisions of this Chapter shall be fined as set forth in Borough Code Section 1-16, "Violations and Penalties." Every day that a violation continues shall constitute a separate and distinct offense. Each and every violation shall be considered a separate violation.

DRAFT

ORDINANCE NO. 2022-06

BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH

ORDINANCE ADOPTING THE EAST COAST ICE REDEVELOPMENT PLAN CONSISTING OF BLOCK 13, LOT 1 AND BLOCK 18, LOT 1 WITHIN THE EAST COAST ICE REDEVELOPMENT PLAN AREA

WHEREAS, redevelopment plans must be adopted by ordinance pursuant to N.J.S.A. 40A:12A-7, and said plans must include an outline for the planning, development, redevelopment or rehabilitation of the identified project area; and

WHEREAS, on September 28, 2020, pursuant to Resolutions No. 20-140 and 20-141, the governing body of the Borough of Neptune City (the "**Borough**") directed the Land Use Board to conduct a preliminary investigation to determine whether an area including Block 18, Lot 1 (96 Laird Avenue) and Block 13, Lot 1 (87 Rosewood Place) (the "**Properties**") is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on March 9, 2021, the Land Use Board held a properly noticed public hearing at which the Borough's professional redevelopment planner Jennifer Beahm, PP, AICP of Leon S. Avakian Inc. presented the findings of a preliminary investigation report (the "**Investigation Report**") resulting in a determination to recommend that the Properties be designated as an area in need of redevelopment; and

WHEREAS, on April 13, 2021, the Land Use Board accepted and adopted the recommendations and proposed findings of the Investigation Report and recommended to the Mayor and Council that the Properties be declared a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, on April 26, 2021, the Borough adopted Resolution No. 21-81 declaring the Properties to be an area in need of redevelopment for non-condemnation purposes; and

WHEREAS, the Borough's professional redevelopment planner, Jennifer Beahm, PP, AICP, has prepared a Redevelopment Plan entitled the "East Coast Ice Redevelopment Plan" dated April 2022 including Block 13, Lot 1 and Block 18, Lot 1 (the "**East Coast Ice Redevelopment Plan**"); and

WHEREAS, the Borough wishes to adopt the East Coast Ice Redevelopment Plan to establish development standards for designated redeveloper(s) of the Properties within the delineated redevelopment plan area.

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

SECTION 1. East Coast Ice Redevelopment Plan. The East Coast Ice Redevelopment Plan dated April 2022 prepared by Jennifer Beahm, PP, AICP, attached hereto and made part hereof as **Exhibit A** is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-1 et seq., shall supersede the current zoning applied to Block 13, Lot 1 and Block 18, Lot 1, and be enacted as an amendment to the Borough's Zoning Map.

SECTION 2. Severability. If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 3. Repealer. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date. This ordinance shall take effect immediately after final adoption and approval pursuant to law.

ORDINANCE 2022-07

AN ORDINANCE OF THE BOROUGH OF NEPTUNE CITY MONMOUTH COUNTY, STATE OF NEW JERSEY, TO EXCEED 2022 BUDGET CAP APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.0 % unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Neptune City in the County of Monmouth finds it advisable and necessary to increase its 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to $64,455.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Neptune City, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2022 budget year, the final appropriations of the Borough of Neptune City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $64,455.68, and that the 2022 municipal budget for the Borough of Neptune City be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

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

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

RESOLUTION 22-54
AUTHORIZING PAYMENT OF THE BILLS

BE IT RESOLVED that the bills as presented, all have been certified and approved as complete as to form, goods having been delivered, and/or services performed and sufficient funds being available for payment for said bills, be paid in the amount of **$67,546.53**

Councilperson	Motion	2nd Motion	Aye	Nay	Abstain
Dellett					
Farley					
Kocsis					
Pappas					
Renee					
Thomas					

CERTIFICATION

I, Tamara Brown, Municipal Clerk of the Borough of Neptune City, hereby certify the foregoing to be a true copy of a resolution adopted by the Council of the Borough of Neptune City at their meeting held April 25, 2022.

WITNESS, my hand and the seal of the Borough of Neptune City this 25th day of April, 2022.

TAMARA BROWN, MUNICIPAL CLERK

RESOLUTION 2022-55

RESOLUTION AUTHORIZING PAYMENT No. 1 TO THE CONTRACTOR FOR CDBG PEDESTRIAN AND ADA IMPROVEMENTS

WHEREAS, the Borough of Neptune City received a grant in the amount of $178,947.00 from the Monmouth County Community Development Program for CDBG Pedestrian and DA Improvements, and Improvements, and

WHEREAS, the contract, in the amount of $365,855.00 was awarded to A. Takton Concrete Corp. of South River, NJ, and

WHEREAS, the contractor has completed a portion of the project and has requested payment no. 1 in the amount of $180,512.37, and

WHEREAS, the Borough Engineer has reviewed the request and has certified that the work has been completed and request for funds is correct; and

WHEREAS, the Mayor and Council is required to pass a resolution requesting payment in the amount of $178,947.00 from the County of Monmouth.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City hereby authorizes payment no. 1 to A. Takton Concrete Corp. of South River, NJ, in the amount of $180,512.37 subject to receipt of payment in the amount of $178,947.00 from Monmouth County.

Councilperson	Motion	2nd Motion	Aye	Nay	Abstain
Dellett					
Farley					
Kocsis					
Pappas					
Renee					
Thomas					

CERTIFICATION

I, Tamara Brown, Municipal Clerk of the Borough of Neptune City, hereby certify the foregoing to be a true copy of a resolution adopted by the Council of the Borough of Neptune City at their meeting held April 25, 2022.

WITNESS, my hand and the seal of the Borough of Neptune City this 25th day of April, 2022.

TAMARA BROWN, MUNICIPAL CLERK

RESOLUTION 2022-56
PERMISSION TO CONDUCT A COIN TOSS

WHEREAS, the Neptune City Fire Department has requested permission to conduct a coin toss at the intersection of Brighton Avenue and West Sylvania Avenue on the following 2022 dates:

May 26th, 27th, 28th
June 30th
July 1st, 2nd
September 1st, 2nd, 3rd

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council approve this request pursuant to the conditions from the State of New Jersey Department of Transportation and the approval from the County of Monmouth.

Councilperson	Motion	2nd Motion	Aye	Nay	Abstain
Dellett					
Farley					
Kocsis					
Pappas					
Renee					
Thomas					

CERTIFICATION

I, Tamara Brown, Municipal Clerk of the Borough of Neptune City, hereby certify the foregoing to be a true copy of a resolution adopted by the Council of the Borough of Neptune City at their meeting held April 25, 2022

WITNESS, my hand and the seal of the Borough of Neptune City this 25th day of April, 2022.

TAMARA BROWN, MUNICIPAL CLERK

RESOLUTION 22-57

BOROUGH OF NEPTUNE CITY COUNTY OF MONMOUTH, STATE OF NEW JERSEY APPROVING INTRODUCTION OF MUNICIPAL BUDGET FOR THE YEAR 2022

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2022; and

BE IT FURTHER RESOLVED that said budget be published in The Coaster in the issue of May 5, 2022. The Mayor and Council of the Borough of Neptune City does hereby approve the following as the budget for the year 2022.

Notice is hereby given that the Budget and Tax Resolution was approved by the Council Member of the Borough of Neptune City, County of Monmouth, April 25, 2022.

A hearing on the Budget and Tax Resolution will be held at Borough Hall on May 23, 2022 at 7:00pm at which time and place objections to said Budget and Tax resolution for the year 2022 may be presented by taxpayers or other interested persons.

Councilperson	Motion	2nd Motion	Aye	Nay	Abstain
Dellett					
Farley					
Kocsis					
Pappas					
Renee					
Thomas					

CERTIFICATION

I, Tamara Brown, Municipal Clerk of the Borough of Neptune City, hereby certify the foregoing to be a true copy of a resolution adopted by the Council of the Borough of Neptune City at their meeting held April 25, 2022.

WITNESS, my hand and the seal of the Borough of Neptune City this 25th day of April, 2022.

TAMARA BROWN, MUNICIPAL CLERK

RESOLUTION 2022-58

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Mayor and Council* of the *Borough of Neptune City)*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON *April 25, 2022*

_____

Tamara Brown, Municipal Clerk

RESOLUTION 22-59
AUTHORIZING A REFUND OF A
PARK USE APPLICATION FEE

WHEREAS, it has been determined by the Borough Administrator that a scheduled park use application permit is entitled to a refund, and;

WHEREAS, it is the desire of the Governing Body to have these permit application fees returned to the respective applicant;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Neptune City, County of Monmouth, State of New Jersey, that the refund of $200.00 is hereby authorized.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Construction Code Official and Finance Officer.

CERTIFICATION

I, Tamara Brown, Municipal Clerk of the Borough of Neptune City, hereby certify the foregoing to be a true copy of a resolution adopted by the Council of the Borough of Neptune City at their meeting held April 25, 2022.

WITNESS, my hand and the seal of the Borough of Neptune City this 25th day of April, 2022.

TAMARA BROWN, MUNICIPAL CLERK