ORDINANCE 2023-19

BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH

AMENDING CHAPTER 62, FEES OF THE BOROUGH CODE, ARTICLES I, II AND IV

WHEREAS, the Administrator, Recreation Director and Zoning Officer have recommended fee increases to various rental uses and application fees to allow for maintenance, upkeep and processing without an additional burden to all taxpayers; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to ensure that its recreational programs are financially sound and facilities are properly cared for and maintained;

WHEREAS, the Borough Council believes it is further in the best interest of its residents to ensure that application by one resident does not cause an undue burden upon other residents.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Chapter 62 of the Borough Code be amended as follows:
Deletions are noted by ~~strike throughs~~
Additions are indicated in **bold underline**
Language that remains unchanged is not highlighted in any way

Article I - Records and Reports; Fingerprinting; Municipal Equipment
§ 62-2 Schedule of fees.
The following schedule of fees shall be charged from and after the effective date of this chapter:

(14) Zoning permit: fee of $~~20~~ **50 for single or two-family residential uses, and $100 for all other property uses** paid to the Borough of Neptune City. **There shall be a resubmittal fee of $25.00 per resubmission of a zoning permit.**

(19) Use of municipal trucks, when available shall be as follows:
A deposit shall be given to the Borough Clerk in the amount of $~~250~~ **300** of which $~~50~~ **100** shall be a nonrefundable fee and $200 shall be applied to payment of the Reclamation Center tipping fees assessed; the homeowner shall receive a refund of any part of said $200 not required to satisfy said tipping fees and shall be obligated to pay any tipping fees in excess of said $200. Any excess fee not paid within 10 days shall be added to the homeowner's current tax bill and become a lien on the homeowner's property and shall be collectible as in the case of municipal taxes, charges and liens.

(20) Purchase of 30-gallon containers for recycling by residents: $~~6~~ **10** per container; **purchase of 50-gallon containers for recycling by residents $15.**

(22) Returned checks and other written instruments returned to the Borough of Neptune City for insufficient funds: a service charge of $~~25~~ **20** each to be added to any account owed to the municipality.

§ 62-3 Waiver of fees.

A. In the case of federal, state and local governments, no fees shall be charged.

(1) In the case of Local Public School Districts local municipal fees may be waived at the discretion of the Borough Mayor and Council, and/or Department Director in conjunction with the Mayor or Borough Administrator

B. In the case of nonprofit, charitable or religious organizations, the Borough Mayor and Council, **Borough Administrator or Department Director in conjunction with the Mayor or Borough Administrator** may ~~by resolution~~ waive any fees.

VOLUNTEER

(4) Benefits. Every certified member in good standing of the Volunteer Fire Company or First Aid Squad shall be entitled to the following benefits from the borough:
Exemption from the payment of any Borough of Neptune City fees for Certificate of Inspection fees, **local** construction fees and application fees for the Planning Board or the Board of Adjustment up to a maximum of $300 per year, provided the fee or charge is for the personal and nonprofit use of such member in good standing. Where fees include monies payable to the state and/or county, only the municipal portion of these fees may be waived.

Article II - Neptune City Community Center and Recreational Facilities

§ 62-4 Registration and Rental Fees.

C. ~~A Neptune City based organization having members that are residents of Neptune City and which has been designated as a nonprofit corporation under Section 501(c)(3) of the Internal Revenue Code shall be exempt from having to pay a rental fee for the use of the Neptune City Community Center. There shall be a maximum of 12 exemptions per year per nonprofit organization~~.

Applications shall be accompanied by a separate refundable deposit payment made as follows:

(1) $250 for use of Community Center Multipurpose Room or gym individually per application

(2) $400 for use of Full Community Center per application

(3) $100 for use of Memorial Park Pavilion Area Only, and Pavilion and Bocce Courts per application

(4) $25.00 for use of Memorial Park Gazebo Area per application

(5) $100.00 for use of all areas of Adams Field per application

D. A rental fee of $~~60~~ **75** per hour for residents and $~~100~~ **125** per hour for nonresidents shall be paid to the Borough of Neptune City for the use of the multipurpose room of the Neptune City Community Center when the Center is open.

E. A rental fee of $~~60~~ **75** per hour for residents and $~~100~~ **125** per hour for nonresidents shall be paid to the Borough of Neptune City for the use of the gym of the Neptune City Community Center when the Center is open.

F. A rental fee of $~~100~~ **150** per hour for residents and $~~150~~ **200** per hour for nonresidents shall be paid to the Borough of Neptune City for the use of the multipurpose room of the Neptune City Community Center when the Center is closed.

G. A rental fee of $~~80~~ **100** per hour for residents and $~~120~~ **150** per hour for nonresidents shall be paid to the Borough of Neptune City for the use of the gym of the Neptune City Community Center when the Center is closed.

H. A rental fee of $~~180~~ **250** per hour for residents and $~~250~~ **350** an hour for nonresidents shall be paid to the Borough of Neptune City for the use of all of the above rooms of the Neptune City Community Center when the Center is closed.

J. ~~A 25% discount shall apply for all rentals by an individual after that same individual has paid for six rentals, in accordance with this article, within a calendar year.~~

Applications must include an event description, the anticipated number of participants, and a certificate of insurance naming the Borough of Neptune City as an additional insured, the purpose of use must be approved by the appropriate Department in conjunction with (as needed or required) the Borough Administrator, Code Department and Police Department. If the indicated anticipated number of participants, is deemed to exceed the staffing capabilities additional payment will be required as will be determined by the type of staffing needed (including, but not limited to, Community Center Staff, Fire Prevention, Code Enforcement, Administrative, and Police).

(1) Applicants must agree that they shall assume responsibility for the orderly and careful use of the facility for which they are seeking approval.

(2) Applicants must agree to indemnify and hold the Borough harmless from any and all claims, injuries and/or damages arising out of the permitted use of the facility and must furnish evidence of adequate liability insurance coverage of a minimum of $1,000,000 per person, incident and for property damage with such Certificate of Insurance clearly naming the Borough of Neptune City as additionally insured for the period of time which the permit is being issued.

(3) Applicants agree they will not sublet or assign any permitted facility. Only the individuals or organizations making reservations for the fields or facilities may use them for the stated time on their permit. Any unauthorized subletting or assignment will result in the immediate forfeiture of the individual or organization's permit.

(4) The Borough shall not discriminate in making any of its facilities available on the basis of race, color, national origin, religion, sex, sexual orientation, age, physical limitation, or any other protected class under applicable law

(5) The issuance of a facility use permit to a user group shall not constitute or imply in any way an endorsement by the Borough of the user group's aims, policies, or activities, and a user group hereby agrees to not imply such Borough's endorsement in any of its advertisements or announcements.

(6) The Borough Administrator, Governing Body, Recreation Director and any other personnel deemed appropriate shall deny any permit application if they determine that the applicant fails to satisfy any of the applicable requirements or if a user group has not paid permit fees in a timely fashion. The Borough further maintains the Borough Mayor and Council, Borough Administrator or Department Director in conjunction with the Mayor or Borough Administrator may waive any fees as deemed in the best interest of the Borough and its residents.

L. Rentals of recreational facilities.

(1) Memorial Park:

(a) Borough residents shall pay a rental fee of $~~100~~ **75 an hour for up to five hours** for use of **a designated portion/section of** Memorial Park with a $100 refundable deposit.

(b) Nonresidents of the Borough shall pay a rental fee of $~~200~~ **150 an hour for up to five hours** for use of **a designated portion/section of** Memorial Park with a $100 refundable deposit.

(c) Borough residents shall pay a rental fee of $200 per day (7:00am – sunset) for use of the Bocce Courts

(d) Nonresidents shall pay a rental fee of $350 per day (7:00am – sunset) for use of the Bocce Courts

(i). During all rentals, the bathrooms located at the Memorial Park Pavilion are open to the public.

(2) Memorial Park kayak racks:

(a) Borough residents shall pay a~~n annual~~ rental fee of $100 to rent a space on the kayak rack. Registration shall open to Borough residents ~~immediately upon passage of this ordinance and thereafter~~ shall open on ~~March 1~~ **February 1** of each year, **with payment being required by March 1, to avoid forfeiting the space**.

(b) Nonresidents of the Borough shall pay an annual rental fee of $150 to rent a space on the kayak rack. Registration ~~shall open to nonresidents of the Borough 45 calendar days following the passage of this ordinance and thereafter~~ shall open ~~on April 15 of each year~~ **to the waitlist (in order received) on April 15 of each year.**

(c) All kayaks and/or paddleboards stored in the Borough's storage rack must be removed no later than November 15 each year, and may be returned to the Borough's storage rack only upon renewal of a successor Agreement and receipt of full payment by the Borough prior to March 1 of the next year. Removal may be waived at the discretion of the Department of Public Works.

(d) Any kayak and/or paddleboard that is not removed from the Borough's storage rack by November 15, may be removed by the Borough and placed in storage. Renters may be subject to nonrenewal of their kayak rack space the next year. Per the annual agreement, the Borough of Neptune City, their Regents, officers, agents, and employees are indemnified and held harmless from any liability, loss, or damage that may be suffered or occur as a result renting a space at the Memorial Park kayak rack.

(3) Memorial Park gazebo:

(a) Rental of gazebo will include a refundable deposit of $25 and a $~~25~~ **50** permit fee for a two-hour rental shall be paid to the Borough of Neptune City.

(4) Adams Field:

(a) A rental fee of $50 per game, per field, shall be paid to the Borough of Neptune City.

i. A rental fee of $25 per practice, per field, shall be paid to the Borough of Neptune City.

(b) A rental fee of $~~150~~ **200** shall be paid to the Borough of Neptune City to rent a ball field for one day.

(5) No fee shall be charged for use of any recreation facility or equipment for programs run **or sponsored** by the Borough of Neptune City or the Neptune City Recreation Committee. The Borough maintains discretion regarding fees collected for use of Borough facilities.

Article III - Hazardous Materials Collection and Disposal

§ 62-5 Fees relative to hazardous materials collection and disposal.

(30) Police vehicle: $~~20 per hour~~ **100 per day per car**

Article IV - Property Maintenance

§ 62-6 Certificate of inspection; certificate of occupancy; certificate of reoccupancy.

A. Certificate of inspection - Fees for inspection and reinspection. The owner of the property to be sold or leased shall be charged a fee of $~~50~~ **60** for the initial inspection and the issuance of the aforesaid certificate for each separate ~~structure~~, residential or nonresidential **unit**, inspected for the aforesaid purpose. There shall be a fee of $~~25~~ **35** for each separate ~~structure~~, residential or nonresidential **unit**, for which a reinspection may be required. The aforesaid fees shall be paid to the borough prior to the aforesaid inspection or reinspection. In addition, any person to whom a certificate of inspection has been issued may request an updated certificate of inspection upon payment of a fee of $20.

   (1) The owner applicant is responsible for submitting a completed Landlord registration form which shall include Meghan's Law Certification and a Copy of Proof of Limited Liability Insurance and payment for lead inspection for structures older than 1978

B. Fees for certificates of occupancy. The fee for a certificate of occupancy ~~pursuant to Section 102-23~~ shall be $~~40~~ **60**.

C. Fees for certificates of continued occupancy. The fee for a certificate of continued ~~occupancy pursuant to Section 102-24~~ shall be $~~10~~ **20**.

Chapter 95 Parks and Playgrounds

§ 95-6 Permits required for groups.

A. ~~A permit issued by the Borough Clerk will be necessary for any group or organization of 10 or more in number desiring to use the park facilities for picnic purposes and/or for any playground. Such permit shall be displayed upon the request of any police officer. No alcoholic beverages shall be sold, given away or consumed by members of such group or organization while using any park area, except as may be authorized in the permit by the Borough Clerk and, where necessary, approval has been granted by the State Alcoholic Beverage Commission and the Borough Police Department. There shall be a charge of $100 for the use of the park or playground facilities for up to a maximum of five hours. There will be a deposit of $100 for nonresidents for each day of use required at the time application for the permit is filed by the organization or group and this sum shall be refunded upon inspection of the premises by the Department of Public Works after the event and finding that the premises have been left clean of trash and debris. Any such application shall be filed with the Borough Clerk no later than 48 hours before the day requested by such groups. Such permit authorizing a person or organization to use any of the parks and/or playgrounds may be granted, upon application to the Borough Clerk or the Clerk's designee by written approval. All conditions of the permit approval may be adhered to, and any violation of the terms and conditions, rules and regulations or falsifications shall constitute grounds for its revocation by the Borough Clerk or the Clerk's designee.~~

   See Chapter 62, Article II - Neptune City Community Center and Recreational Facilities of the Borough Code for permit fees and requirements

BE IT FURTHER ORDAINED, that

A. All other Ordinances or provisions of the Code of the Borough of Neptune City or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.

B. If any provisions of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: December 11, 2023
DATE ADOPTED: December 26, 2023

ATTEST

Corinne DiCorcia Williams, RMC
Date: 12/26/2023



Andrew C. Wardell, Mayor
Borough of Neptune City