

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 09-01

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE  
CODE OF THE TOWNSHIP OF NEPTUNE BY DELETING A  
HANDICAPPED PARKING ZONE ON HECK AVENUE

Approved on First Reading: January 12, 2009

Approved, passed and adopted on final reading: January 26, 2009

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 09-02

AN ORDINANCE TO DESIGNATE A TRAFFIC CONTROL  
SIGNAL AT THE INTERSECTION OF HOVCHILD BOULEVARD  
AND PREMIUM OUTLETS BOULEVARD

Approved on First Reading: January 12, 2009

Approved, passed and adopted on final reading: January 26, 2009

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 09-03

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF  
TOWNSHIP OWNED PROPERTY LOCATED IN THE RIDGE  
AVENUE SCHOOL SITE REDEVELOPMENT AREA TO TRF DP  
RIDGE AVENUE, LLC

Approved on First Reading: January 12, 2009

Approved, passed and adopted on final reading: January 26, 2009

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 09-04

AN ORDINANCE TO AMEND ORDINANCE #05-45 ENTITLED "AN ORDINANCE CREATING JOB TITLES AND SETTING THE SALARY RANGES FOR SAID JOB TITLES AND FOR EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE IN THE COUNTY OF MONMOUTH AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES INCONSISTENT HEREWITH." BY CREATING THE POSITION OF COMMUNITY PROGRAMS COORDINATOR

Approved on First Reading: January 12, 2009

Approved, passed and adopted on final reading: January 26, 2009

NOTICE  
ORDINANCE NO. 09-06  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 26th day of January, 2009, at 7:30 p.m., the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 9th day of February, 2009, at the Neptune Senior Center, 1825 Corlies Avenue (Route 33), Neptune, New Jersey at 7:30 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 09-06

AN ORDINANCE AUTHORIZING THE IMPOSITION OF AN OCCUPANCY TAX ON HOTELS WITHIN THE TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the two hundred and tenth Legislature of the State of New Jersey adopted on June 30, 2003 and amended in 2006 a state hotel and motel occupancy fee or tax which provides that in addition to any other tax, assessment or use fee authorized by law, there shall be imposed and shall be paid a hotel and motel occupancy fee of seven percent (7%) for occupancies on and after August 1, 2003 but before July 1, 2004 and five percent (5% ) for occupancies on and after July 1, 2004; and

WHEREAS, the aforesaid law supplementing Titles 54 and 40 of the revised Statutes provides that a governing body of a municipality other than those already authorized to impose hotel and motel taxes may adopt an ordinance imposing a tax on local hotels and motels, a uniform percentage rate not to exceed one percent (1%) on charges of rent for every occupancy on or after July 1, 2003 but before July 1, 2004 and not to exceed three percent (3%) on charges of rent for every occupancy on or after July 1, 2004 of a room or rooms in a hotel subject to the aforesaid law; and

WHEREAS, the aforesaid tax would provide extra needed revenues for the Township of Neptune during a period of reduced federal and state aid to municipalities.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that pursuant to State Statute imposing a state hotel and motel occupancy fee and tax and authorizing imposition of municipal hotel and motel occupancy taxes by certain municipalities, supplementing Titles 54 and 40 of the revised Statute, the Township imposes the following tax on all hotels and motels:

Section 1. Definitions

- A. Hotel – as used in this ordinance, “hotel” shall mean a building or portion of it that is regularly used and kept open as such for the lodging of guests, and includes but is not limited to an apartment hotel, a motel, boarding house or club, whether or not meals are served or other like facilities.
- B. “Occupant” shall be defined as a person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel, motel, boarding house or other facility subject to this ordinance’s definition of “hotel” under a concession, permit, right-of-access, license to use or other agreement or otherwise.

Section 2. Municipal Taxation of Hotels and Motels

The Township of Neptune hereby imposes a tax on all hotels and motels as defined in Section 1 of this ordinance as a uniform percentage rate of one (1%) percent on charges of rent for every occupancy. This tax shall be in addition to any other State or fee imposed pursuant to Statute or local Ordinance upon occupancy of a hotel or motel room.

Section 3. Obligations of Vendor Paying Tax

All taxes imposed by the ordinance shall be paid by the occupant of the room. The following conditions imposed upon the owner:

A. The owner shall not assume or absorb any tax imposed by the ordinance;

B. The owner shall not in any manner advertise or hold out to any person or to the public in general, in any manner directly or indirectly, that the tax will be assumed or absorbed by the owner, that the tax will not be separately charged and stated to the occupant or customer, or that the tax will be refunded to the occupant or customer.

#### Section 4. Responsibility for Collection

A. The tax imposed by this ordinance shall be collected on behalf of the municipality by the person collecting the rent or consideration from the hotel occupant. That person shall either be the owner of the hotel, the manager or sales person or other employee of the owner who arranges with the occupant for the rental of the room.

B. Individual Liability. Each person required to collect the tax imposed by this ordinance shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from an occupant as if the tax were a part of the rent and payable at the same time.

C. Each person required to collect the tax imposed under this ordinance as described above shall on or before the date required pursuant to Section 17 of P.L. 1966, C. 30 (N.J.S.A. 54:32B-17), forward to the Director of the Division of Taxation in the Department of the Treasury, the tax collected in the preceding month and shall make and file a return for the proceeding month with the Director on any form and containing any information that the Director shall prescribe as necessary to determine liability for the tax in the preceding month during which the person was required to collect the tax. Should the Director determine to require payments of tax liability at any interval and based upon any collection classifications other than described in this ordinance, the person required to collect the tax shall comply with any determinations made in that regard by the Director.

D. The Director of the Division of Taxation shall collect and administer the tax imposed under this ordinance, and shall determine and certify to the State Treasurer on a quarterly or more frequent basis the amount of revenues collected in the municipality. The State Treasurer upon certification of the Director and upon the warrant of the State Comptroller shall pay and distribute on a quarterly or more frequent basis, as prescribed by the State Treasurer, the amount of revenues determined and certified as described above, to the Township of Neptune.

#### Section 5. Violations and Penalties

A. Each assumption or absorption by an owner of the tax shall be deemed a separate offense and each representation or advertisement by an owner for each day the representation or advertisement continues shall be deemed a separate offense.

B. Any person, firm, partnership, association, corporation, LLC or the like who shall violate any provision of the chapter shall be subject to a fine of not more than One Thousand Two Hundred Fifty (\$1,250.00) Dollars, imprisonment for not more than ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof in the discretion of the judge hearing the matter.

Section 6. When and How Effective

This ordinance shall take effect upon advertisement and final adoption in accordance with the law. A copy of the ordinance adopted shall be transmitted upon adoption or amendment to the Treasurer of the State of New Jersey. The tax provisions of the ordinance or any amendment to the tax provisions shall take effect on the first day of the first full month occurring ninety (90) days after the date of transmittal to the State Treasurer for the ordinance or amendments adopted.

Section 7. Severance

Should any terms, provisions or a part of this ordinance be found invalid, said provisions shall not affect any other of the terms.

Richard J. Cuttrell, Municipal Clerk

NOTICE  
ORDINANCE NO. 09-07  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 26th day of January, 2009, at 7:30 p.m., the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 9th day of February, 2009, at the Neptune Senior Center, 1825 Corlies Avenue (Route 33), Neptune, New Jersey at 7:30 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 09-07

AN ORDINANCE AMENDING TOWNSHIP POSITIONS ELIGIBLE  
FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

WHEREAS, the Neptune Township Committee adopted Ordinance No. 08-27 on July 14, 2008 to comply with this requirement; and,

WHEREAS, said ordinance included the job title of Municipal Court Administrator in the list of municipal officials eligible for the Defined Contribution Retirement Program; and,

WHEREAS, Local Finance Notice 2008-10 indicates that the Local Finance Board has amended its guidance on eligibility of positions and determined that the position of Municipal Court Administrator should be excluded from Defined Contribution Retirement Program membership and be recognized as a Public Employees Retirement System position,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township Committee as follows:

SECTION 1.

Ordinance No. 08-27 is hereby amended to remove the following position from eligibility in the Defined Contribution Retirement Program:

b. *[Positions with principal responsibility of a government function(s), commonly called "department heads" or similar title, that are filled by action of the governing body and who report directly to an elected official(s) or chief administrative officer];*

vii. Court Administrator

(Positions viii and ix are hereby renumbered vii and viii, respectively)

SECTION 2.

All other sections and provisions of Ordinance No. 08-27 shall remain in full force and effect.

SECTION 3.

This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

SECTION 4.

Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

SECTION 5.

A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

SECTION 6.

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

Richard J. Cuttrell,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 09-08  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 26th day of January, 2009, at 7:30 p.m., the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 9th day of February, 2009, at the Neptune Senior Center, 1825 Corlies Avenue (Route 33), Neptune, New Jersey at 7:30 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 09-08

AN ORDINANCE TO AMEND ORDINANCE #05-45 ENTITLED "AN ORDINANCE CREATING JOB TITLES AND SETTING THE SALARY RANGES FOR SAID JOB TITLES AND FOR EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE IN THE COUNTY OF MONMOUTH AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES INCONSISTENT HEREWITH." BY CREATING THE POSITION OF DIRECTOR OF CODE AND CONSTRUCTION

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, as follows:

Section 1. The Township Committee of the Township of Neptune hereby creates the job title of Director of Code and Construction.

Section 2. Ordinance No. 05-45 be and is hereby amended to add the salary range of said position as follows:

<b><u>OFFICIAL</u></b>	<b><u>MINIMUM SALARY</u></b>	<b><u>MAXIMUM SALARY</u></b>
Director of Code and Construction	\$10,000.00	\$15,000.00

Section 3. The above ordinance shall be effective immediately upon publication in accordance with law.

Richard J. Cuttrel,  
Municipal Clerk