

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 09-07

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

Approved on First Reading: January 26, 2009

Approved, passed and adopted on final reading: February 23, 2009

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
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

Approved on First Reading: January 26, 2009

Approved, passed and adopted on final reading: February 23, 2009

NOTICE  
ORDINANCE NO. 09-09  
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 23rd day of February, 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 March, 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. 09-09

### AN ORDINANCE TO AMEND CHAPTER IV OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 4-28 TO AUTHORIZE THE REGULATION OF CLOTHING DONATION BINS IN THE TOWNSHIP OF NEPTUNE

WHEREAS, the State Legislature adopted on December 20, 2007 an Act concerning charitable clothing bins and the regulation therein to go into effect the first day of January, 2009; and,

WHEREAS, the aforesaid legislation establishes a framework for the regulation of donation bins, into law and allows municipalities to provide regulation of such Clothing Donation Bins within the municipality subject to provisions of N.J.S.A. 40:48-2.60 et seq.; and,

WHEREAS, it is in the interest of the Township of Neptune to regulate placement and use of Clothing Donation Bins in order to protect the health, safety and welfare of the citizens of the Township of Neptune,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that pursuant to State Statute allowing for the local regulation of Clothing Donation Bins Chapter 48 of Title 40 of the Revised Statutes (C.40:48-2.60 et seq.) the Township of Neptune hereby imposes the following requirements and regulations with regards to the placement and use of charitable clothing bins within the Township of Neptune:

#### 4-28 – CLOTHING DONATION BINS

##### 4-28.1 Definitions

- A. "Solicitation" or "solicit" - means the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money, property or other things of value. Solicitation shall take place whether or not the person making the solicitation receives any contribution.
- B. Appropriate Municipal Agency – means the Zoning Officer of Neptune Township who shall be responsible to enforce compliance with the provisions of this ordinance and issue notices and violations for non-compliance with this ordinance.

C. Bins – Canisters, cards, receptacles or other similar devices for the collection of money, personal property or other things of value.

D. Person – Any person, firm, partnership, corporation, limited liability company, company, organization or entity of any kind.

4-28.2. Requirements for Placement, Use of Clothing Bins for Solicitation Purposes.

Notwithstanding any other provision of this ordinance, no persons shall place, use or employ a clothing donation bin for solicitation purposes, unless all the following requirements are satisfied:

A. The person has obtained a permit, valid for a period of one (1) year from the Mercantile Officer or other designated officer within the municipality in which the clothing donation bin will be placed in accordance with the following:

- (1) In applying for such permit, the person's application shall include:
  - (a) The location where the bin would be situated, as precisely as possible;
  - (b) The manner in which the person anticipates any clothing or other donations collected via the bin will be used, sold or disbursed, and the method by which the proceeds of the collected donations will be allocated or spent;
  - (c) The name and telephone number of the bona fide office required pursuant to subsection (b) of this Section, of any entity that may share or profit from any clothing or other donation collected via the bin;
  - (d) Written consent from the property owner to place the bin on its property.
- (2) The appropriate municipal agency or office shall review the application filed with the Mercantile Officer or other designated officer and the Mercantile Officer or other designated officer shall not grant an application for a permit to place, use or employ a clothing donation bin if the appropriate municipal agency determines that the placement of the bin constitutes a safety hazard. Such hazards shall include, but not be limited to, the following:

- (a) Placement of a clothing donation bin within 100 feet of any place that stores large amounts of, or sells, fuel or other flammable liquids or gases.
  - (b) Placement that in the opinion of the appropriate municipal agency endangers the safety of persons or property.
  - (c) Placement that in the opinion of the appropriate municipal agency would unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicles.
  - (d) Placement that in the opinion of the appropriate municipal agency would unreasonably interfere with the ingress to or egress from any residence or place of business.
  - (e) Placement that unreasonably interferes with the use of traffic signs or signals, fire hydrants or mailboxes located or permitted at or near said location.
  - (f) Placement that is within 15 feet of any fire hydrant, fire call box, police box or other emergency facility.
  - (g) Placement that is within 10 feet of any building, showroom or residence unless written permission from the owner is secured and the same is submitted with the application.
  - (h) Placement within 5 feet of or any public area improved with lawn, flowers, shrubs, trees or landscaping.
  - (i) Placement within 300 feet of any residential property.
  - (j) Placement in the front or side yard of property unless the appropriate municipal agency or office provides an exception wherein the best interests of the Township is served and where appropriate screening and access is provided.
- (3) The Mercantile Officer or other designated officer may impose a fee for such application, in the amount of \$25.00 for a permit of one (1) year. An expiring permit for a clothing donation bin may be renewed upon application for renewal and payment of a fee of \$25.00 annually.
- (4) Renewal applications shall include the following:
- (a) The location where the bin is situated, as precisely as possible, and if the person intends to move it, the new location where the bin would be situated after the renewal is granted and the written consent from the property owner to place the bin on his property;
  - (b) The manner in which the person has used, sold or disbursed any clothing or other donations collected

via the bin, the method by which the proceeds of the collected donations have been allocated or spent and any changes the person anticipates may make in these processes during period covered by the renewal; and

- (c) The name and telephone of the bona fide office required pursuant to subsection (b) of this Section of any entity that shared or profited from any clothing or any other donations collected by the bin, and any entities that may do so during the period covered by the renewal.

- (5) A sticker with the permit number and the date of expiration shall be clearly and conspicuously displayed on the exterior of the clothing donation bin with additional information required pursuant to subsection (c) of this Section.

B. The person and any other entity that may share or profit from any clothing or other donations collected by the bin, maintains a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of obtaining information concerning the person or other entity. For purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and

C. The following information is clearly and conspicuously displayed on the exterior of the clothing donation bin:

- (1) The name and address of the registered person that owns the bin, and any other entity that may share or profit from any clothing or other donations collected by the bin;
- (2) The telephone number of the person's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity that may share or profit from any clothing or other donations collected by the bin;
- (3) In cases when an entity other than the person who owns the bin may share or profit from any clothing or other donations collected by the bin, a notice written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities that may share or profit from such donations; and
- (4) A statement, consistent with the information provided to the appropriate municipal agency or office in the most recent permit or renewal application pursuant to paragraph (1) and (4) of subsection A. of this Section indicating the manner in which the person anticipates any clothing or other donations collected via the bin will be used, sold or

disbursed, and the method by which the proceeds of the collected donations would be allocated or spent.

4-28.3 Maintenance of Bins.

All bins placed in the Township of Neptune shall be subject to the following maintenance requirements:

A. Bins may not be left with personal property beyond the confines of the bin and/or lying on property surrounding the bin for more than 24 hours from the time of notification by the appropriate municipal agency or office.

B. The bin shall not be used for advertising signs or publicity purposes other than those dealing with the display, or receipt of donated property.

C. Each bin shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limitation to the foregoing, each bin shall be serviced and maintained so that:

- (1) It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof.
- (2) It is reasonably free of rust and corrosion in the visible unpainted metal areas thereof.
- (3) The structural parts of the bin are not broken or unduly misshapen.
- (4) The bins are free from all graffiti.

4-28.4 Receipt, Investigation of Complaints Relative to Donations of Clothing Bin.

A. The appropriate municipal agency or office shall receive and investigate, within thirty (30) days, any complaints from the public about an existing bin. Whenever it appears that a person has engaged in, or is engaging in any act or practice in violation of this ordinance the person who placed the bin shall be issued a warning stating that if the violation is not rectified or a hearing with the appropriate municipal agency or office is not requested within forty-five (45) days, the bin will be sized and removed at the expense of the person who placed the bin and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

B. In the event the person who placed the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, the appropriate municipal agency or office may seize the bin and remove it or have it removed at the expense of the person who placed the bin and sell at public auction or otherwise dispose of any clothing or any other donations collected via the bin. Any proceeds from the sale of the donations collected by the bin shall be paid to the Chief Financial Officer of Neptune Township.

4-28.5 Additional Penalties and Remedies.

A. In addition to any of the other penalties or remedies authorized by the law of this State any person who violates this ordinance that results in a seizure of the clothing donation bin shall be:

- (1) Subject to a penalty of up to \$20,000.00 for each violation. The appropriate municipal agency or office may bring this action in the Municipal Court or the Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999" (N.J.S.A. 2A:58-10 et seq.) and any penalty monies collected shall be paid to the Chief Financial Officer of the Township of Neptune; and

B. Deemed ineligible to place, use or employ a clothing donation bin for solicitation purposes pursuant to N.J.S.A. 40:48-2.61. A person disqualified from placing, using or employing a clothing donation bin by violating the provisions of N.J.S.A. 40:48-2.60 et seq. may apply to the appropriate municipal agency to have the person's eligibility restored. The appropriate municipal agency may restore the eligibility of a person who:

- (1) Acts within the public interest; and
- (2) Demonstrates that he made a good faith effort to comply with the provisions of N.J.S.A. 40:48-2.60 et seq. and all other applicable laws or regulations or had no fraudulent intentions.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final adoption and publication of Notice of Adoption as required by law.

Richard J. Cuttrell,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 09-10  
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 23rd day of February, 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 March, 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. 09-10

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NEPTUNE TO EXCEED THE 2.5% COLA RATE APPROPRIATION LIMIT FOR PURPOSES OF INTRODUCING THE 2009 MUNICIPAL BUDGET

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 2.5% 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 Township Committee of the Township of Neptune in the County of Monmouth finds it advisable and necessary to increase its CY 2009 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 Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 261,215.79 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee of the Township of Neptune 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,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Township of Neptune shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 914,255.27, and that the CY 2009 municipal budget for the Township of Neptune 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.

Richard J. Cuttrell,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 09-11  
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 23rd day of February, 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 March, 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. 09-11

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A NO PARKING ZONE ON A PORTION OF WEST LAKE AVENUE, DELETING A HANDICAPPED PARKING ZONE ON CLARK AVENUE AND ADDING A HANDICAPPED PARKING ZONE ON CLARK AVENUE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-7.7 – Parking Prohibited at All Times on Certain Streets - is hereby amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
West Lake Avenue	North	Between the northeast intersection with Neptune Boulevard and continuing 175 feet east.

SECTION 2

Volume I, Chapter VII, Section 7-21.2 - Handicapped Parking Spaces on Public Roads - Locations Designated, is hereby amended by deleting the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Clark Avenue	1	South side of Clark Avenue beginning 110 feet west of the southwest intersection of Clark Avenue and Pilgrim Pathway.

SECTION 3

Volume I, Chapter VII, Section 7-21.2 - Handicapped Parking Spaces on Public Roads - Locations Designated, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Clark Avenue	1	South side of Clark Avenue beginning 115 feet east of the southeast intersection of New York Avenue and Embury Avenue.

SECTION 4. This ordinance shall take effect upon publication in accordance with law.

Richard J. Cuttrel, Municipal Clerk