

§ 2-2.12 Reorganization Meeting.

a.

Notwithstanding any other provision of law, the Mayor and Council may, by resolution, fix the date and time of its annual organization or reorganization meeting at 12 o'clock noon on January 1, or at some other hour on any day during the first week in January.

[N.J.S.A. 40:45A-1]

b.

At the reorganization meeting the Council shall elect a Deputy Mayor; review the City fee schedule(s) and reserve a date on the calendar within forty-five days of the date of the reorganization meeting to review and act on recommendations to the fee schedule(s); make professional service appointments, including the City Attorney, and appoint contract employees; and create or recreate City advisory committees as necessary and make appointments thereto; adopt the smoke-free and tobacco-free areas for public parks, public areas, public beaches and insure that proper signage is posted thereon.

§ 2-36 APPOINTMENTS TO CITY BOARDS, COMMISSIONS, AGENCIES AND COMMITTEES; REGISTRY OF POSITIONS; OPEN PUBLIC MEETINGS.

§ 2-36.1 Intent and Purpose.

[Ord. No. 2783]

The purpose of this section is to foster the openness of government and provide citizens with information concerning the various appointed municipal positions which exist within the City of Asbury Park. This section further provides for a procedure whereby a citizen can indicate his/her desire to serve in a particular appointed position. Finally, this section provides for a notification process so that those citizens who have indicated a desire to hold a position will be notified as to when that position is under consideration for appointment, and will ultimately be notified as to the action that was taken to fill the position.

§ 2-36.2 Definitions.

[Ord. No. 2783]

As used in this section:

APPOINTED MUNICIPAL POSITION

shall mean any appointed position within the City government, which is created either by statutory law or by ordinance or resolution. Examples of such positions include members of any Board, Commission, Agency or Committee of the City of Asbury Park.

APPOINTING AUTHORITY

shall mean the official or body which by virtue of statutory law or by ordinance or resolution is given the authority to appoint a person to hold a particular appointed municipal position.

§ 2-36.3 Registry of Appointed Municipal Positions.

[Ord. No. 2783]

The City Clerk shall cause a register of Appointed Municipal Positions to be prepared and maintained within the City. Such register shall be made available on the City's website and at City Hall and shall set forth at least the following:

a.

Title of each Appointed Municipal Position;

b.

Brief description of the position's powers and duties;

c.

Any special credentials or qualifications required to hold the position;

d.

The length of term for the position;

e.

The name of the person currently holding the position, the expiration date of his or her term, and the number of vacant seats on the Board or Commission; and

f.

The dates/times and frequency of any meetings which the holder of the position must attend.

[§ 2-36.4 Vacancies.](#)

[Ord. No. 2783]

The City Clerk shall maintain a current updated listing of all existing vacancies for each Appointed Municipal Position within the municipality. Such list shall be made available free of charge at the City Clerk's Office and shall, in addition, be posted by the City Clerk on a bulletin board maintained for public announcements in City Hall.

[§ 2-36.5 Filling Vacancies.](#)

[Ord. No. 2783]

Unless essential for the proper functioning and/or carrying on of business of the local Board, Commission, Agency or Committee upon which the vacancy has occurred, a vacancy shall not be filled for a period of thirty (30) days from its posting in order to allow interested persons time to submit applications as provided in Section [2-36.6](#) below.

[§ 2-36.6 Applications.](#)

[Ord. No. 2783]

The City Clerk shall maintain an application form to be completed by any person interested in serving in an Appointed Municipal Position. Such application shall, at a minimum contain the following information:

a.

Name;

b.

Address;

c.

Telephone number;

d.

Email address;

e.

Appointed Municipal Position sought;

f.

Qualifications/experience for position; and

g.

Signature.

[§ 2-36.7 Filing Applications.](#)

[Ord. No. 2783]

Any person interested in serving in an Appointed Municipal Position may file an application for such position with the City Clerk. Such application(s) may be filed at any time, whether or not the Appointed Municipal Position sought is vacant. A person may withdraw his or her application at any time.

[§ 2-36.8 Maintaining Applications.](#)

[Ord. No. 2783]

The City Clerk shall maintain all filed applications in a file or binder, segregated for each Board, Commission, Agency or Committee. Applications shall be considered void after two (2) years unless renewed by the applicant.

[§ 2-36.9 Filling Voluntary Municipal Positions.](#)

[Ord. No. 2783; New]

Prior to filling any Appointed Municipal Position, the appropriate Appointing Authority shall review each application filed for that position. Each person having submitted an application for an Appointed Municipal Position under consideration to be filled shall be notified of said vacancy. The Appointing Authority shall conduct such review, investigation and/or interviews as the Appointing Authority deems necessary or advisable, in its discretion. Consideration should be given to persons currently serving as alternates to fill non-alternate vacancies. After a decision is reached to fill a vacant Appointed Municipal Position, all those who had submitted an application for that position shall be notified of the Appointing Authority's decision.

[§ 2-36.10 Open Public Meetings; Minutes Required.](#)

[New]

All meetings of boards, commissions, committees, authorities and other volunteer functions who meet the definition of "public body" under N.J.S.A. 40:4-8 are subject to the New Jersey Open Public Meetings Act, including the requirements to post and notice all meetings. Minutes of all meetings shall be maintained and after the minutes are approved by that body, the minutes shall be submitted to the City Clerk for appropriate record retention. All meetings shall comply with the provisions of N.J.S.A. 10:4-6 et seq., the Senator Byron M. Baer Open Public Meetings Act. Meetings of all other advisory committees and bodies, regardless of method of appointment, who are not mandated by law to abide by the provisions of N.J.S.A. 10:4-6 et seq., shall keep minutes of all of their meetings showing the time and place, the members present, the subjects considered, the actions taken, and the vote of each member. Minutes shall be provided to the City Clerk within sixty days of the meeting for which they were recorded.

[§ 2-37 HOUSING AUTHORITY.](#)

[§ 2-37.1 Findings.](#)

[2000 Code § 2-36.1]

[a.](#)

There exists in the City unsanitary or unsafe dwelling accommodations, and persons of low income are forced to reside in such unsanitary or unsafe accommodations; and in the City there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and such persons are forced to occupy overcrowded and congested dwelling accommodations. The aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals, and welfare of the City residents and impair economic values; and those conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities.

[b.](#)

These City areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved through the operation of private enterprise; and the construction of housing projects for persons of low-income, as defined in the Local Housing Authorities Law, would therefore not be competitive with private enterprise.

c.

The clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations by any public body for persons of low income are public uses and purposes, for which public money may be spent and private property acquired, and are government functions.

d.

It is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve unemployment.

§ 2-37.2 Creation.

[2000 Code § 2-36.2]

Pursuant to the provisions of the Local Housing Authorities Law of the State of New Jersey, a body corporate to be known as the Housing Authority of the City of Asbury Park is created and established. The City Clerk shall file a certified copy of this section with the Executive Officer of the State Housing Authority. The members of the Authority shall be appointed pursuant to law.

§ 2-37.3 Membership.

[N.J.S.A. 40A:12A-1 et seq., New]

The Local Housing Authority shall consist of seven members who shall each serve for a term of five years. Membership of the Authority shall consist of the following: One (1) member appointed by the Commissioner of Community Affairs, one member appointed by the Mayor, and five (5) members appointed by the City Council. Members shall be appointed and shall complete the requirements of N.J.S.A. 40A:12A-1 et seq.

§ 2-37.4 Redevelopment Projects to Be Carried Out by Mayor and Council.

[2000 Code § 2-36.4; New]

a.

Pursuant to the provisions of N.J.S.A. 55:14A-50 et seq. the power previously granted to the Housing Authority of the City is herewith amended to rescind the power to carry out redevelopment projects in the City.

b.

The Mayor and City Council reserve to themselves the right to carry out redevelopment projects and authorize the Mayor and Council to act as the redevelopment entity as set forth in Law 1956, c. 211, and other laws.

c.

The Clerk be, and hereby is, authorized and directed to serve and file a certified copy of this subsection with the appropriate governmental bodies, as necessary, including service of a copy of this subsection upon the Housing Authority of the City.

§ 2-38 SPRINGWOOD AVENUE BROWNFIELD DEVELOPMENT AREA STEERING COMMITTEE.

§ 2-38.1 Membership.

[New]

Membership on the Springwood Avenue Brownfield Development Area Steering Committee shall be appointed by the Mayor and Council. Members shall serve for a term of five years or concurrent with their term of office in the appropriate position. The Director of the Department of Planning and Redevelopment shall serve as the Chairperson. The Committee shall consist of the following appointments:

Mayor

City Manager,

Director and Planning and Redevelopment Department,
Board of Education member,
Planning Board member,
Representative from the STARS Community Development Corporation, and
Such private and professional persons as appointed by the Mayor and Council.

[§ 2-38.2 Responsibilities.](#)

[New]

The Springwood Avenue Brownfield Development Area Steering Committee shall pursue the goals and abide by the guidelines as stated in the Memorandum of Understanding with the New Jersey Department of Environmental Protection as signed by the City on January 10, 2013. The Memorandum of Understanding may be found in the City offices.

[§ 2-39 LOCAL HISTORIAN.](#)

[§ 2-39.1 Position of City Historian Established.](#)

[2000 Code § 2-21.1]

[a.](#)

The position of City Historian of the City of Asbury Park is hereby established pursuant to N.J.S.A. 40:10A-4.

[b.](#)

The City Historian shall serve without compensation but the Mayor and Council may annually appropriate such funds as may be necessary to reimburse the City Historian for expenses incurred in the performance of the duties and responsibilities set forth in this section.

[c.](#)

The City Historian shall be appointed by the City Manager and shall report to and be under the City Manager's supervision.

[§ 2-39.2 Powers and Responsibilities of the City Historian.](#)

[2000 Code § 2-21.2]

Pursuant to N.J.S.A. 40:10A-7, the powers and responsibilities of the City Historian shall be as follows:

[a.](#)

To carry out an historical program, including, but not restricted to, collecting, preserving and making available materials relating to the history of the City of Asbury Park. The historian shall store such materials in such manner as to insure their preservation, and shall notify the State Archivist, New Jersey Historical Commission, county local historian and local governing body of any materials which should be acquired for preservation. Upon leaving the position, the City Historian shall turn over all materials and records and reports into the possession of the successor, if then appointed, or to the governing body until a successor shall be appointed;

[b.](#)

The local historian shall make an annual report to the City Manager and the Mayor and Council of the City of Asbury Park stating all the work performed and accomplished during that year. The City Historian shall transmit a copy of such report to the New Jersey Historical Commission. The New Jersey Historical Commission may advise the City Historian of general guidelines along which their historical program may be implemented;

[c.](#)

The City Historian may research, write and cause to have published a municipal history, and may recommend appropriate historical materials for publication;

[d.](#)

The City Historian may assist a landmark commission, as well as advise the governing body, concerning the acquisition, administration, use and disposition of any landmark, or historic site, including such places in his jurisdiction included on the New Jersey Register of Historic Places. Such advice may be furnished to the Historic Sites Section, Department of Environmental Protection;

e.

The City Historian shall assist in projects of commemoration, including the erection of monuments, historic markers and guide signs.

§ 2-40 PLANNING BOARD; ZONING BOARD OF ADJUSTMENT.

See Chapter XXX, Land Development Regulations, for the establishment of and appointments to the Planning Board and the Zoning Board of Adjustment.

§ 2-41 ENVIRONMENTAL/SHADE TREE COMMISSION.

§ 2-41.1 Creation.

[2000 Code § 2-41.1]

There is hereby created an Environmental/Shade Tree Commission for the protection, development or use of the natural resources located within the territorial limits of the City pursuant to the provisions of N.J.S.A. 40:56A-1 et seq.

§ 2-41.2 Membership; Alternates.

[2000 Code § 2-41.2; Ord. No. 2697]

The Commission shall consist of seven (7) regular and two (2) alternate members appointed by the Mayor and Council. One (1) of the regular members shall also be a member of the Planning Board. All members shall be residents of the City and shall serve without compensation except as hereinafter provided. The Commission shall designate one of the regular members to serve as Chairperson and presiding officer of the Commission. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." Alternate members shall serve during the absence or disqualification of any regular member or members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§ 2-41.3 Term of Office.

[2000 Code § 2-41.3; Ord. No. 2697]

The terms of office of the Commission members shall be for five (5) years or until the appointment and qualification of their successors.

§ 2-41.4 Removal of Member; Hearing.

[2000 Code § 2-41.4]

The City Council may remove any members for cause, on written charges served upon the member and after a hearing thereof at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

§ 2-41.5 Authority.

[2000 Code § 2-41.5]

The Commission shall have the following powers, notwithstanding the provisions of N.J.S.A. 40:56A-1 et seq.

a.

Promote the conservation and development of the natural resources and environment of the City.

b.

Plan, implement, and inform the public about local environmental problems.

c.

Conduct research into the use and development of lands in the City, and coordinate the activities of unofficial bodies organized for similar purposes.

d.

Recommend to the Mayor and Council and to the Planning Board plans and programs for inclusion in the City's Municipal Master Plan for the use and further development of the City.

e.

Recommend to such other boards and agencies of the City as may be requested by such individual boards and agencies.

f.

Study and make recommendations as to those areas relating to the preservation, management and control of water resources, air pollution control, solid and liquid waste management, noise control, soil and landscape protection, environmental appearance and for the protection of flora and fauna throughout the City.

g.

Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in the judgment of the Commission, it deems necessary to carry out the purposes expressed in this section.

h.

Manage donated or purchased lands, under the advice and consent of the Council, for conservation and environmental purposes and conduct environmental education programs.

i.

Act as a coordinating agency for the City on conservation and environmental matters and as liaison between the City, the region, County, State, Federal and other agencies which may be administering to such needs, including but not limited to, with the advice and consent of Council, the application for grants, aids, loans and other developmental environmental aids which may be available from time to time through County, Federal, State and other agencies.

j.

Act in an advisory capacity whenever requested by the Mayor and Council to deal with specific problems within the purview of the Environmental Commission.

k.

Provide for the accumulation of records as to areas of concern of both publicly and privately held properties in order to obtain information on the future use and development of such areas and for the maintenance of standards to be applied by the City whenever dealing with environmental matters.

l.

Exercise full and exclusive control over the regulation, planting and care of shade and ornamental trees and shrubbery now located, or which may hereafter be planted in any public highway, park or parkway, except such as are excluded pursuant to N.J.S.A. 40:64-1 in the City, including the planting, trimming, spraying, care and protection thereof.

m.

Regulate and control the use of the ground surrounding the same, so far as may be necessary for their proper growth, care and protection.

n.

Move or require the removal of any tree, or part thereof, dangerous to public safety. For the safe passage of trucks and emergency vehicles all trees are to be trimmed to a height of fourteen (14) feet above the roadway.

[o.](#)

Administer treatment to, or remove, any tree situated upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of the municipality and enter upon private property for that purpose, with the consent of the owner thereof, provided the suspected condition is first confirmed by certificate issued by or on behalf of the Department of Agriculture.

[p.](#)

Recommend the passage, alteration, amendment and repeal of ordinances by the Mayor and Council and any and all ordinances necessary or proper for carrying out the provisions hereof.

[§ 2-41.6 Acquisitions by Commission.](#)

[2000 Code § 2-41.6]

The Commission may, subject to the approval of the Mayor and Council, acquire property, both real and personal, in the name of the City by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest development right, easement (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use or otherwise conserve and properly utilize open spaces and other land and water areas in the City.

[§ 2-41.7 Records and Annual Report.](#)

[2000 Code § 2-41.7]

The Environmental Commission shall keep records of its meetings and activities and make an annual report to the Mayor and Council.

[§ 2-41.8 Appropriations.](#)

[2000 Code § 2-41.8]

The Mayor and Council may, from time to time, fix, determine and appropriate a sum sufficient for the care and maintenance of such property acquired for the uses and purposes herein stated, and for expenses of the Commission which shall be raised by taxation in the same manner as other taxes and shall be provided for in the annual budget.

[§ 2-42 \(RESERVED\)](#)

[§ 2-43 PUBLIC ART COMMISSION.](#)

Editor's Note: The Public Art Committee was replaced by the Public Art Commission by Ord. No. 2017-44

[§ 2-43.1 Establishment.](#)

[Ord. No. 2017-44]

There is hereby established a Public Art Commission in and for the City of Asbury Park in accordance with the provisions of this Section.

[§ 2-43.2 Purpose.](#)

[Ord. No. 2017-44]

The purpose of the Public Art Commission is to facilitate the development of public art, including but not limited to murals, within the City, recognizing such as integral to the vibrancy of the community. The Commission shall ensure that public art contributions to the City will complement the building(s) or neighborhood(s) with which they are associated, as well as

complement current strategies for economic development and tourism, enhance neighborhood and community identity, and educate children and adults alike.

[§ 2-43.3 Composition; Appointment; Alternate Members.](#)

[Ord. No. 2017-44]

The Public Art Commission shall consist of nine (9) regular and two (2) alternate members, who shall serve without compensation, as appointed by the Mayor and Council. The membership shall include the City Manager or his/her designee, one representative of the City Council, five (5) members of the public who are residents of the City or part of the City's business community, and two (2) individuals who are representatives of art, tourism or cultural organizations that may be based within or outside of the City. The Commission shall designate one of its regular members to serve as Chairperson and presiding officer of the Commission on an annual basis. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." Alternate members shall serve during the absence or disqualification of any regular member or members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

[§ 2-43.4 Term of Office.](#)

[Ord. No. 2017-44]

The term of office of regular members of the Public Art Commission shall be for three (3) years, and the term of office of alternate members shall be for two (2) years. Any vacancy occurring other than by the expiration of a term shall be filled for the unexpired term only, in the same manner as the original term.

The terms of the regular Commission members first appointed shall be for a period of 1, 2, and 3 years, respectively, in such manner that the terms of at least two (2) regular Commission members and not more than three (3) regular Commission members shall expire in each year, so as to commence the staggering of terms. Thereafter, all appointments of regular members shall be for a term of three (3) years.

[§ 2-43.5 Removal of Member; Hearing.](#)

[Ord. No. 2017-44]

Any member of the Public Art Commission may be removed by the Mayor and Council for cause on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel.

[§ 2-43.6 Rules of Procedure; Design Guidelines; Meetings.](#)

[Ord. No. 2017-44]

The Public Art Commission may establish rules of procedure and design guidelines for its use. The Public Art Commission shall establish a schedule of its regular meetings on an annual basis. A quorum required to take action at Commission meetings shall be a majority of the full authorized membership of the Commission.

All Public Art Commission meetings shall be subject to the New Jersey Open Public Meetings Act, including the requirement of posting and notification of all meetings. Minutes of all meetings shall be maintained and Commission approved minutes shall be submitted to the City Clerk for appropriate record keeping.

[§ 2-43.7 Powers and Duties.](#)

[Ord. No. 2017-44]

The Public Art Commission shall have the following powers and duties:

a.

The power to commission and oversee the creation of art work where appropriate on both municipal and private property at the directive of the City Manager or the Mayor and Council.

b.

The power to hear and review applications for the creation of public art within the City, including the erection, painting and/or installation of murals (as defined below), and the power to render decisions regarding the issuance or denial of permits therefor. The review process is outlined in Section [4-18](#) of the Code of the City of Asbury Park.

c.

The power to advise the Mayor and Council, the Redevelopment Entity, the Planning Board and the Zoning Board of Adjustment, and other agencies of the City with regard to matters which affect the creation of public art within the City, including the erection, painting and/or installation of murals or streetscapes.

d.

The power to create a non-exclusive list of spaces that are eligible and appropriate for the potential location and siting of murals within the City.

e.

The power to develop, and to regularly review and update, a public art plan and public art guidelines, which identify, among other things, appropriate spaces and appropriate mediums, respectively, for public art within the City.

f.

The power to review and recommend public art projects.

g.

The power to make recommendations regarding any issues that may arise from a specific public artwork or art project.

h.

The power to undertake any other duties or activities that may be assigned to it by the Mayor and Council.

[§ 2-43.8 Appropriations.](#)

[Ord. No. 2017-44]

The Mayor and Council may fix, determine and appropriate a sum sufficient to be utilized by the Public Art Commission for the purposes herein stated, on an annual basis or as needed.

[§ 2-44 \(RESERVED\)](#)

[§ 2-45 WESLEY LAKE COMMISSION.](#)

[§ 2-45.1 Preamble.](#)

[2000 Code § 2-45.1]

A proposed Agreement of Charter of the Wesley Lake Commission establishes the purposes and responsibilities of the inter-municipal body.

The Agreement of Charter embodies the mutual understandings between the City of Asbury Park and the Township of Neptune.

The City's Staff and City Attorney have reviewed said Agreement and deem it in the best interest of the citizens of the City of Asbury Park to be a party to said Commission.

[§ 2-45.2 Execution of Agreement.](#)

[2000 Code § 2-45.2]

a.

The City of Asbury Park has agreed to donate and participate in the Wesley Lake Commission.
b.

The Mayor and City Clerk be and they are hereby authorized to execute an agreement known as the Agreement of Charter of the Wesley Lake Commission.

[§ 2-45.3 Membership.](#)

[New; Ord. No. 2017-8; Ord. No. 2017-37]

There shall be five (5) members and one alternate member of the Wesley Lake Commission appointed for a term of three (3) years as follows:

Elected official of the Governing Body

City Manager or designee

Superintendent of the Department of Public Works

Two residents appointed by the Mayor and Council

In addition of the regular members, an alternate member may be designated by the Mayor and Council who may attend the meeting of the Commission in place of a regular member

[§ 2-46 DEAL LAKE COMMISSION.](#)

[§ 2-46.1 Participation in Commission.](#)

[2000 Code § 2-46.1]

The City of Asbury Park bounds the Deal Lake; and all of the municipalities bounding the Deal Lake have joined to form the Deal Lake Commission.

[§ 2-46.2 Agreement with the Deal Lake Commission.](#)

[2000 Code § 2-46.2]

a.

The City of Asbury Park shall continue to be a member of the Deal Lake Commission.

b.

The Mayor and City Clerk are hereby authorized to execute a contract with the Deal Lake Commission.

c.

A copy of such contract shall be on file and available for public inspection in the office of the City Clerk during regular business hours.

d.

The City of Asbury Park hereby commits itself to the programs described in such contract above referenced and commits itself to making expenditures based upon its proportional obligation as set forth in the contract herein referenced.

[§ 2-46.3 Membership.](#)

[New]

There shall be one City resident appointed by the Mayor and Council to serve for a one year term and one City resident to serve as an alternate for a term of one year on the Deal Lake Commission.

[§ 2-47 SUNSET LAKE COMMISSION.](#)

[§ 2-47.1 Creation.](#)

[Ord. No. 2624]

The City Council of Asbury Park may create a Sunset Lake Commission.

[§ 2-47.2 Membership.](#)

[Ord. No. 2624]

The Sunset Lake Commission shall be comprised of residents and employees of the City of Asbury Park in accordance with the terms herein set forth.

§ 2-47.3 Jurisdiction.

[Ord. No. 2624]

a.

The Commission shall have jurisdiction over Sunset Lake (the Lake), which is hereby defined as that area to include the lake and grounds between Sunset Avenue and Fifth Avenue and between Bond Street and Webb Street.

b.

The jurisdiction of the Commission shall be designated on a map which may be found on file in the office of the City Clerk and is made a part hereof, and to the extent any portion of this section is inconsistent with said map, said map delineation shall control.

c.

Nothing herein shall be deemed to modify any rule of law governing municipal ownership, control and/or rights over flowing waters.

§ 2-47.4 Purposes.

[Ord. No. 2624]

a.

The Commission shall have full authority over the maintenance, control, and improvement of the Lake to the extent that said authority is not inconsistent with the State of New Jersey, County of Monmouth or the City Council of Asbury Park (the Governing Body).

b.

The Commission shall have the authority, with the consent and approval of the Mayor and Council and after certification of available funds as approved by the Mayor and Council, for the following:

1.

To regulate the flow of the Lake including the flow of said waters into Deal Lake. This authority will be subject to the approval of the Governing Body based on the testimony of professional personnel stating that the flow should be adjusted for the betterment of the Lake.

2.

To provide and regulate electricity, flood gates, silt traps, chemical testing, and other lake management techniques and devices.

3.

To contract for any and all necessary services in order to carry out the purposes of this charter subject to necessary funding being available.

4.

To provide and regulate chemical treatment to the Lake for the control of biological growth and the corrections of any and all biologically harmful conditions.

5.

To provide and regulate the dredging of the Lake and to enter into any and all agreements to carry out the dredging of the Lake.

6.

To improve the Lake to a state of balanced ecological stability to the greatest extent possible to promote both passive and active recreational activities.

7.

To recommend to the Governing Body the adoption of ordinances and rules for the improvement of the Lake.

8.

To seek and apply for any and all grants available from County, State, Federal, and private sources to achieve the goals and objectives of this Commission.

[§ 2-47.5 Existence.](#)

[Ord. No. 2624]

The Commission shall have continual existence until such time as it is disbanded by the Mayor and Council.

[§ 2-47.6 Representation.](#)

[Ord. No. 2624; Ord. No. 2961; Ord. No. 2017-1]

[a.](#)

The Mayor and Council shall make all appointments to the Sunset Lake Commission.

[b.](#)

The official members of the Commission shall be comprised of seven (7) members as follows:

[1.](#)

The City Manager or his/her designated representative.

[2.](#)

The Director of Public Works or his/her designated representative.

[3.](#)

Five (5) residents of the City of Asbury Park.

[4.](#)

Two (2) alternate members as chosen by the City Council.

[Ord. No. 2017-1]

[§ 2-47.7 Terms of Service.](#)

[Ord. No. 2624; Ord. No. 2017-31]

[a.](#)

All persons appointed to the Commission shall serve for a two (2) year term.

[b.](#)

The term of office for all Commissioners shall commence from January 1 of the year of appointment to December 31.

[c.](#)

Initially, the Governing Body shall appoint four (4) of the seven (7) members for a term of one year and all subsequent appointments shall be for a two (2) year term.

[d.](#)

The remaining three (3) members shall be appointed by the Governing Body for a term of two (2) years and all subsequent appointments shall be for a two (2) year term.

[e.](#)

If a vacancy occurs for whatever reason, the Chairman shall notify the Governing Body, which shall appoint a Commissioner to the unexpired term pursuant to Subsection [2-47.6](#).

[§ 2-47.8 Officers.](#)

[Ord. No. 2624]

[a.](#)

The Commission shall have a Chairman, Vice-Chairman, Treasurer, and Secretary. Each shall serve for a term of one year commencing on January 1. The duties of each officer shall be as follows:

[1.](#)

Chairperson. The Chairperson shall be responsible for the management and conduct of all meetings and shall call meetings to order and close all meetings. The Chairperson shall have full voting power.

2.

Vice-Chairperson. The Vice-Chairperson shall act in the absence of the Chairperson.

3.

Treasurer. The Treasurer shall be responsible for the keeping of all accounts, payment of all bills, verification of debts, and to provide a depository within the City of Asbury Park for the safekeeping of funds, and will also be responsible for the signing of all checks.

4.

Secretary. The Secretary shall be responsible for the keeping of all official records of the Commission.

5.

The officers may have such other duties that may be designated from time to time by resolution.

§ 2-47.9 Quorum.

[Ord. No. 2624]

At least four (4) of the seven (7) members of the Commission must be present to constitute a quorum.

§ 2-47.10 Public Meetings.

[Ord. No. 2624]

a.

All meetings shall be open to the public, except such executive sessions as authorized by N.J.S.A. 10:4-6 et seq. The public shall have the right to address and present questions to the Commission. The Commission shall have the right to hold executive sessions pursuant to N.J.S.A. 10:4-6 et seq.

b.

The Commission shall have one regular meeting each month. The meeting shall be on a date adopted by the Commission by resolution. The Commission may suspend such monthly meetings at its sole discretion.

c.

The Chairman may call special meetings of the Commission provided that at least forty-eight (48) hours' notice is given. The Chairman shall be required to call a special meeting upon a receipt of a request by at least four (4) members of the Commission.

d.

All official action of the Commission shall be carried out only after a duly adopted resolution is prepared.

§ 2-47.11 Attendance.

[Ord. No. 2624]

a.

If a member of the Commission should without excuse absent himself/herself for three (3) consecutive meetings within a calendar year, the Commission shall by resolution notify the Governing Body in order to have the individual removed from the Commission and a suitable replacement made.

b.

The Secretary shall keep an accurate record of attendance and the reasons for nonattendance.

§ 2-47.12 Budget.

[Ord. No. 2624]

a.

On January 1 of each year, the Commission shall present a budget request to the Governing Body, which shall have first been adopted by a majority vote of the members of the Commission.

b.

The Governing Body shall not be obligated to contribute any funds to the Commission until such time as the budget is approved.

c.

The Commission shall have the right to adopt emergency resolutions for appropriations to the Governing Body for maintaining Sunset Lake and the surrounding grounds.

[§ 2-47.13 Public Bidding.](#)

[Ord. No. 2624]

All contracts, agreements, etc. shall be subject to the Statutes of the State of New Jersey pertaining to public bidding.

[§ 2-47.14 Reports.](#)

[Ord. No. 2624]

The Chairman shall cause to be written and transmitted to the Governing Body, a report of activities of the Commission. This report shall be accomplished annually.

[§ 2-48 TECHNICAL REVIEW COMMITTEE.](#)

[§ 2-48.1 Created; Membership.](#)

[Ord. No. 2626]

A Technical Review Committee is hereby established to consist of eight persons, one of which shall be a Councilmember serving on the Planning Board, one of which shall be a member representing the New Jersey Department of Environmental Protection, one shall be a member representing the New Jersey Department of Community Affairs, one shall be a professional planner, one shall be a licensed architect, the Chairman of the Planning Board, the engineer serving the Planning Board and one shall be a representative of the Developer team designated by Asbury Partners, LLC.

[§ 2-48.2 Duties; Limitations.](#)

[Ord. No. 2626]

The Technical Review Committee shall not impose standards or designs that will infringe the marketability or economic feasibility of a project other than compliance with the Redevelopment Plan and Design Guidelines.

[§ 2-48.3 Review of Site Plans.](#)

[Ord. No. 2626]

The Mayor and Council shall act as Redevelopment Entity and the Planning Board shall first submit all site plans for review to the Technical Review Committee.

[§ 2-48.4 Meetings.](#)

[Ord. No. 2626]

The Technical Review Committee shall meet as often as necessary so as to not delay any application or project.

[§ 2-49 PARKING UTILITY.](#)

[§ 2-49.1 Establishment.](#)

[Ord. No. 2866 § 1]

There is hereby created under the terms of this section a public utility for the purpose of managing its parking operations within the City of Asbury Park, County of Monmouth and State

of New Jersey. For budgetary and accounting purposes, this utility shall be a separate entity, having its own borrowing capacity; its own separate accounts and its own separate property, whether it be real, personal or mixed.

[§ 2-49.2 Official Name.](#)

[Ord. No. 2866 § 2]

The name by which the Utility shall be known is "The Asbury Park Parking Utility," hereinafter the "Utility."

[§ 2-49.3 Functions.](#)

[Ord. No. 2866 § 3]

It shall be the function of the Utility to budget and account for the parking operations undertaken by the City; to preserve, care for, lay out, construct, maintain, improve and operate lands, buildings, and facilities used for the provision of public parking and the enforcement of the City's laws and regulations concerning parking; to construct, reconstruct, alter, provide, renew and maintain buildings or other structures and equipment and provide for the care, custody and control thereof in the operation of the Utility; to raise money necessary to pay for the lands, rights or interest therein acquired for parking activities, and for improving and equipping the same; to pay or make provision for the payment of the reasonable expenses in each fiscal year of the Utility; to pay to those persons entitled thereto the interest and principal on notes and bonds of the Utility, and to deposit and accumulate reserve funds or reserves.

[§ 2-49.4 Governing Regulations.](#)

[Ord. No. 2866 § 4]

The Utility shall be governed by the ordinances, the Administrative Code, and the resolutions adopted by the Mayor and City Council and by administrative directives.

[§ 2-49.5 Financial Affairs.](#)

[Ord. No. 2866 § 5]

The financial affairs of the Utility shall be governed in accordance with the statutes applying to the financial affairs of the municipality and utilities in general.

[§ 2-49.6 Acquisition of Property.](#)

[Ord. No. 2866 § 6]

The Utility may, from time to time, acquire such real property as may be authorized by the Mayor and City Council by duly adopted ordinances according to the laws of the State of New Jersey.

[§ 2-49.7 Appointment of Employees, Salaries and Compensation.](#)

[Ord. No. 2866 § 7]

The City Manager shall have the full authority to appoint and employ all necessary employees for the Utility. Salaries of the employees will be in accordance with classification and salary ordinances duly adopted by the Mayor and City Council. Portions of salaries of existing employees may be prorated based on the amount of time spent on parking operations compared to the employees' full-time City responsibilities.

[§ 2-49.8 Utility Charges.](#)

[Ord. No. 2866 § 8]

The Utility shall have authority to charge and collect monies for the use of the utilities facilities whether they be user charges, rental fees, or lease payments, and to use these monies to defray the cost of acquisition of lands, buildings and facilities, rights and interests therein, to equip the facilities, to pay the Utility's current expenses and to pay the interest and principal on notes and bonds.

[§ 2-50 through § 2-51. \(RESERVED\)](#)

[§ 2-52 LIBRARY.](#)

There shall be a Library Board of Trustees who shall be appointed pursuant to N.J.S.A. 40:54-9 et seq.. The Library Board of Trustees shall be governed by N.J.S.A. 40:54-1 et seq.

[§ 2-53 through § 2-57. \(RESERVED\)](#)

[§ 2-58 ASBURY PARK TV.](#)

[§ 2-58.1 Created, Title.](#)

The Asbury Park Cable Television Advisory Committee, referred to as the APTV Committee or APTV was initially created by a resolution adopted by the Asbury Park City Council on December 5, 2012. The purpose of the Asbury Park Cable Television Advisory Committee is to act as the City's advocate and to make recommendations to the Mayor and City Council regarding all matters related to operation of the City's P-E-G (Public, Educational and Government) Channels and to respond to any and all related matters as requested by the Mayor and Council. The organization shall be known as: Asbury Park TV.

[§ 2-58.2 Purpose.](#)

This organization shall be operated for Public, Education, and Governmental purposes. More specifically, the purpose of the organization is to further the Mission, as formulated in the organization's Mission Statement below.

"The Mission of the Asbury Park Cable Television Advisory Committee (APTV) is to assist with the development and oversee the operation of Asbury Park's Public Access channels. APTV will also provide an outlet to broadcast programs created and presented by Asbury Park's Public, Governmental, Business, Cultural, Educational and non-profit organizations.

APTV will provide broadcasts that respond to the interests and concerns of the community and present programming that highlights issues and showcases matters relating to Asbury Park. Such programming will be designed to Inform, Educate and Entertain."

[§ 2-58.3 Membership.](#)

[a.](#)

There shall be a committee consisting of seven to thirteen appointed members made up of officers and non-officers.

[b.](#)

The APTV committee shall nominate new and/or continuing committee members with a formal nomination proposed by an existing committee member with discussion and review at an APTV Committee meeting and then by majority vote at the subsequent regularly scheduled meeting.

[c.](#)

These nominations will be sent to the City Council for approval.

[d.](#)

A committee member, appointed by the City Council in January shall serve a three-year term effective immediately upon the date of their appointment by the City Council of Asbury Park.

[e.](#)

A new committee member, appointed by the City Council in any other month than January shall serve the remainder of the calendar year and the two years following until the election cycle in January. This term will be effective immediately upon the date of their appointment by the City Council of Asbury Park.

[f.](#)

The Chairperson and Vice Chairperson shall not exceed 3 consecutive terms (six consecutive years).

g.

A committee member appointed by the City Council to fill an unexpired term shall serve the remainder of the unexpired term.

h.

At least 2/3 (66%) of the committee members must be either a resident, business owner, property owner or employed in Asbury Park

i.

A committee member may resign at any time by submitting written notice to the APTV Committee.

j.

Trustees shall receive no compensation for performance of their duties as trustees.

§ 2-58.4 Officers.

Officers of the APTV Committee shall be as follows:

a.

Among these committee members will be the following officers:

1.

Chairperson

2.

Vice Chairperson

3.

Secretary

4.

Treasurer

b.

Voting for Officers will happen at the January Annual APTV meeting with the Chairperson and Vice Chairperson on the odd number years and with the Secretary and Treasurer on the even number years.

c.

All newly elected Officers will take office immediately.

d.

The Chairperson and Vice Chairperson are elected for a two-year term and bound by a three consecutive term limit (six consecutive years)

e.

The Secretary and Treasurer elected for a two-year term and are not bound to term limits.

f.

If in the event that no Officer receives a majority vote, then a run-off election will take place eliminating the lowest vote getter in the next vote. The process will continue until a candidate gets a majority vote.

g.

All Members of the APTV Committee are allowed to vote, including people that are running for office.

h.

No Officer shall hold any elected office of any governmental entity.

i.

If a vacancy occurs in the office of the Vice Chairperson, Secretary, or Treasurer; the Chairperson shall appoint a temporary replacement, with a majority vote of the APTV

Committee. The new Officer will serve out the term. If the Chairperson leaves office early the Vice Chairperson will take over the office.

[§ 2-58.5 Duties.](#)

[a.](#)

All APTV Committee members are expected to attend at least 80% of all APTV Committee meetings. Any member missing three consecutive meetings may be subject to termination by a 2/3 vote of the APTV Committee.

[b.](#)

An APTV Committee Member may request a leave of absence if they determine they may not be able to meet the duties expected of a Committee Member. This leave must be for a specified time and must be approved in advance by the APTV Committee Members.

[c.](#)

Any possible conflict of interest on the part of an APTV Committee Member shall be disclosed to the rest of the APTV Committee.

[d.](#)

The APTV Committee Members shall see that the duties and responsibilities of all the members are observed. They have the power to request the resignation and/or termination of any officer, or Committee Member providing such action is approved by a 2/3 vote of the Board.

[e.](#)

The APTV Committee shall also be responsible for all property of APTV and submit a yearly report to the membership at the end of the fiscal year.

[f.](#)

If an APTV Committee Member cannot make a regularly scheduled or Special Meeting he/she should alert the Chairperson as soon as possible.

[g.](#)

The Chairperson using Roberts Rules of Order as a guide will preside over both the regularly scheduled and Special Meetings. The Chairperson in consultation with his/her Officers shall set the agenda for Board Meetings 10 days in advance and send this agenda to the Secretary.

[h.](#)

The Chairperson has the right to cancel a meeting due to lack of quorum, weather or other special circumstances in which case the Chairperson will alert the APTV Committee Members as soon as possible.

[i.](#)

The Vice Chairperson shall assume the duties of Chairperson in his or her absence and shall assist in every way including coordinating sub-committees, developing community relationships and projects etc.

[j.](#)

The Chairperson and Vice Chairperson will be the only persons that automatically have the right to speak as the representative of APTV at public forums and publications. The Chairperson can grant this right to other APTV Committee Members and Sub-Committee Chairpersons on limited topics and limited engagements.

[k.](#)

The Secretary will take the minutes during each Board Meeting. The Secretary will send the past Board Meeting minutes and agenda of upcoming meeting via email to all APTV Committee Members at least one week in advance of the next meeting. At each meeting, the Secretary during his/her Secretary Report will submit the minutes of the previous meeting for approval.

The Secretary shall also keep a separate record of all the Policies and Procedures as they develop and change over time. The Secretary will then make any changes and then send the approved minutes to be kept on file in the office of APTV and to a secure website. The Secretary shall keep the names, addresses, emails and telephone numbers of all APTV Committee Members, and Sub-Committee Members. The Secretary shall also have the power to appoint an assistant with Board approval.

[l.](#)

The Treasurer under the direction of the Chairperson and APTV Committee Members, shall have, unless otherwise provided for, general custody of the funds, securities, and other valuable assets of the APTV. All of the Treasurer's books, accounts, and records shall be the property of the APTV, copies of which must be kept in the APTV office. The Treasurer is authorized to open such accounts in a bank or depository as the Board of Trustees may direct. The Treasurer shall keep permanent records of monies received and disbursed in a Board approved accounting system. At each board meeting the Treasurer will present a detailed written report.

[§ 2-58.6 Subcommittees.](#)

[a.](#)

APTV Committee Members can create sub-committees when deemed necessary.

[b.](#)

The Chairperson shall appoint a temporary chairperson to organize the sub-committee.

[c.](#)

Once the sub-committee has been organized the sub-committee shall choose their own chairperson by majority vote.

[d.](#)

The Sub-Committee Chairperson shall call regular meetings of his/her committee and should alert each sub-committee member by email. If a sub-committee member cannot attend a meeting he/she should alert the Sub-Committee Chairperson via email as soon as possible.

[e.](#)

The Sub-Committee Chairperson shall provide regular progress reports to APTV Committee Members at regularly scheduled meetings.

[f.](#)

The Sub-Committee Chairperson can prepare and submit for approval by APTV Committee, a budget or a detailed expense if such become necessary.

[§ 2-58.7 Meetings; Board and Special Meetings.](#)

[a.](#)

Notice of all meetings will be posted on the APTV's website and be sent out via email by the Secretary.

[b.](#)

The APTV Committee shall meet at least once a month or as determined by the Board.

[c.](#)

APTV Committee Members, the general public and invited guests may attend these APTV Committee Meetings, but they will not be allowed to vote and may be subject to limited participation.

[d.](#)

Special meetings may be called by the Chairperson or APTV Committee Members with a seven (7) day notice to their membership.

[e.](#)

A quorum for the APTV Committee Meetings shall be 1/2 (50%) of the members.

f.

Robert Rules of Order shall be the authority for parliamentary procedure in all matters.

g.

The Chairperson may appoint a Parliamentarian for Board and Special Meetings

h.

Sub-Committee chairperson may appoint a Parliamentarian if deemed necessary.

§ 2-58.8 Voting.

a.

The Chairperson and Vice Chairperson will preside over voting during meetings. Only APTV Committee Members without a "Conflict of Interest" on the motion are allowed to vote at these meetings.

b.

The Sub-Committee Chairperson will preside over voting during Sub-Committee meetings. Only duly appointed Sub-Committee members without a "Conflict of Interest" on with the motion are allowed to vote.

c.

All results are determined by majority vote with the exception of amending the Bylaws, Mission Statement, and termination of a APTV Committee Member which require a 2/3 vote (as in Article 9A & 5D)

d.

Action by Consent: Any action permitted to be taken at any meeting of the Board of Trustees or any committee thereof, may be taken without a meeting, if prior consent is passed at a previous meeting.

§ 2-58.9 Amendments.

a.

Any changes to the By-Laws or Mission Statement shall be made with a first read and discussion at an APTV Committee Meeting and then a vote at the subsequent APTV Committee Meeting. The vote must be passed by 2/3 majority. There can be no new amendments or deletions to this proposal. Amendments or deletions which have been read and discussed can be voted on at the next meeting and be to be put into the Bylaws.

b.

Any changes to the Policies and Procedures can be made by majority vote at any APTV Committee Meeting.

§ 2-58.10 Liability.

a.

The Producer of any broadcast not created by APTV acknowledges that he/she has obtained all necessary copyright clearances and releases for the cablecasting of any and all material contained within the program.

b.

The Producer of any broadcast not created by APTV and/or the City, and agrees to hold the aforementioned harmless for any liability, loss, or damage, including reasonable attorney's fees, caused by or arising out of any material supplied by the Producer.

c.

The Producer of any broadcast not created by APTV further agrees to indemnify and save APTV and or the City, and/or their respective officers, members, and employees, harmless of any and

all claims, damages, costs and liability of any nature whatsoever, including counsel fees, which may be imposed by reason of any claim that any material cablecast and/or disseminated by the Producer, violates or infringes upon the rights, trade names, trademarks, copyrights, patents, literary or dramatic rights, or rights of privacy of any other owner, licensor, copyright holder, writer, composer, or other person, corporation or partnership, that said material constitutes libel or slander.

d.

The Producer of any broadcast not created by APTV hereby releases APTV and/or the City from any legal action, claims, and demands which the producer of his/her organization ever had, has, or may have, which may arise against APTV and/or the City as a result of cablecast presentation on its cable system or the production of any material for said presentation, or for any mistakes, omissions, or interruptions.

[§ 2-58.11 Non-Discrimination Policy.](#)

APTV will not discriminate on the basis of gender, sexual orientation, race, color, national or ethnic origin.

[§ 2-58.12 Dissolutionment.](#)

If APTV for any reason whatsoever ceases to exist, then any and all assets, after payment of all debts and obligations of the APTV, shall be donated to the City of Asbury Park with recommendations for the use of such assets presented to the City by the APTV Committee.

[§ 2-59 BEACH UTILITY.](#)

[§ 2-59.1 Establishment.](#)

[Ord. No. 2016-07]

The City of Asbury Park Beach Utility is hereby created and established for the purposes of collecting expense, both direct and indirect, and revenue data with regard to the operation, maintenance and improvement of the beach, boardwalk and related facilities.

[§ 2-59.2 Official Name.](#)

[Ord. No. 2016-07]

The name by which the Utility shall be known is "The Asbury Park Beach Utility," hereinafter the "Beach Utility."

[§ 2-59.3 Functions.](#)

[Ord. No. 2016-07]

It shall be the function of the Beach Utility to manage all fiscal, operational, maintenance and improvement of the beach, boardwalk and related facilities.

[§ 2-59.4 Governing Regulations.](#)

[Ord. No. 2016-07]

The Beach Utility shall be governed by the ordinances, the Administrative Code, applicable State and Federal laws and the resolutions adopted by the Mayor and City Council and by administrative directives.

[§ 2-59.5 Financial Affairs.](#)

[Ord. No. 2016-07]

The financial affairs of the Beach Utility shall be governed in accordance with the statutes applying to the financial affairs of the municipality and utilities in general.

[§ 2-59.6 Acquisition of Property.](#)

[Ord. No. 2016-07]

The Beach Utility may, from time to time, acquire such real property as may be authorized by the Mayor and City Council by duly adopted ordinances according to the laws of the State of New Jersey.

[§ 2-59.7 Appointment of Employees, Salaries and Compensation.](#)

[Ord. No. 2016-07]

The City Manager shall have the full authority to appoint and employ all necessary employees for the Beach Utility. Salaries of the employees will be in accordance with classification and salary ordinances duly adopted by the Mayor and City Council. Portions of salaries of existing employees may be prorated based on the amount of time spent on parking operations compared to the employees' full-time City responsibilities.

[§ 2-59.8 Beach Utility Charges.](#)

[Ord. No. 2016-07]

The Beach Utility shall have authority to charge and collect monies for the use of the Beach Utility's facilities whether they be user charges, rental fees, or lease payments, and to use these monies to defray the cost of acquisition of lands, buildings and facilities, rights and interests therein, to equip the facilities, to pay the Beach Utility's current expenses and to pay the interest and principal on notes and bonds.

[§ 30-21 PLANNING BOARD.](#)

[§ 30-21.1 Establishment and Membership.](#)

[2000 Code § 30-21.1; Ord. No. 2572; Ord. No. 2016-54]

The Planning Board previously established is hereby continued pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall consist of nine (9) members of the following four (4) classes:

Class I-The Mayor.

Class II-One (1) of the officials of the City other than a member of the Governing Body to be appointed by the Mayor; provided that the member of the Environmental Commission, who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.

Class III-A member of the Governing Body to be appointed by it.

Class IV-Six (6) citizens of the City to be appointed by the Council. The members of Class IV shall hold no other municipal office. A member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be a Class IV Planning Board member.

[§ 30-21.2 Terms.](#)

[2000 Code § 30-21.2]

The term of the member composing Class I shall correspond with his or her official tenure. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member, who is also a member of the Environmental Commission. The term of a Class II or Class IV member, who is also a member of the Environmental Commission, shall be for three (3) years or terminate at the completion of his or her term of office as a member of the Environmental Commission, whichever occurs first.

The term of all other Class IV members shall be four (4) years.

[§ 30-21.3 Alternates.](#)

[2000 Code § 30-21.3]

The Planning Board may, upon appointment by the Council, include two (2) alternate members. Alternate members shall meet the qualifications of Class IV membership as provided in § [30-21](#) of this chapter, except that an alternate member may also be a member of either the Zoning Board of Adjustment or the Board of Education. If both of the alternate members of the Planning Board are also members of either the Zoning Board of Adjustment or the Board of Education, a regular member of the Planning Board, who is also a member of the Environmental Commission, shall be deemed a Class II member of the Planning Board. Alternate members shall be designated at the time of appointment by the Council as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years.

No alternate member shall be permitted to act on any matter in which he/she has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he or she requests one, be removed by the Governing Body for cause.

Alternate members may participate in discussions of the proceedings but shall not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

[§ 30-21.4 Vacancies.](#)

[2000 Code § 30-21.4]

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment, as above provided, for the unexpired term.

[§ 30-21.5 Organization.](#)

[2000 Code § 30-21.5]

The Planning Board shall elect a Chairman and Vice-Chairman from the members of Class IV, select a Secretary, who may or may not be a member of the Planning Board or a City employee, and create and fill such other offices as established by ordinance.

[§ 30-21.6 Powers and Duties.](#)

[2000 Code § 30-21.6]

[a.](#)

To make, adopt and amend a Master Plan for the physical development of the City in accordance with the provisions of N.J.S.A. 40:55D-28.

[b.](#)

Approve or deny applications for development in accordance with the provisions of this chapter.

[c.](#)

Approve or deny conditional use applications in accordance with the provisions of this chapter pursuant to N.J.S.A. 40:55D-67.

[d.](#)

Prepare and recommend for adoption an Official Map pursuant to N.J.S.A. 40:55D-32.

[e.](#)

Prepare, when authorized by the Governing Body, a capital improvement program pursuant to N.J.S.A. 40:55D-29.

f.

Participate in the preparation and review of programs or plans required by State or Federal law or regulation.

g.

Assemble data on a continuing basis as part of a continuous planning process.

h.

Consider and make a report to the Governing Body within thirty-five (35) days after referral, as to any proposed development regulation submitted to the Planning Board pursuant to the provisions of N.J.S.A. 40:55D-26(a), and also to pass upon other matters specifically referred to the Planning Board by the Governing Body, pursuant to the provisions of N.J.S.A. 40:55D-26(b).

i.

When reviewing applications for development, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, variances pursuant to N.J.S.A. 40:55D-70(c).

j.

Review and approve or deny site plans or conditional uses simultaneously with the review for subdivision approval without the applicant being required to make further application to the Planning Board, or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board, whether it be for subdivision, site plan or conditional use approval shall apply.

k.

Grant exceptions from all standards and procedures set forth in this chapter for good and sufficient reason, except as follows: (1) any standards or procedures set forth in the Municipal Land Use Law; (2) any standards and procedures set forth in Article [VI](#) of this chapter, except as provided in Subsection [i.](#) above; (3) exceptions to signs, fences and parking requirements not part of any application for site plan or subdivision approval.

l.

Perform such other advisory duties as are assigned to it by ordinance or resolution of the Governing Body for the aid and assistance of the Governing Body or other agencies or officers.

m.

When reviewing applications for development, to direct the issuance of a permit for a building or structure as provided in paragraphs e and f of § [30-22.3](#) and N.J.S.A. 40:55D-60.

[§ 30-22 ZONING BOARD OF ADJUSTMENT.](#)

[§ 30-22.1 Establishment.](#)

[2000 Code § 30-22.1]

The Zoning Board of Adjustment previously established is hereby continued pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-69 et seq., and shall consist of seven (7) residents of the City appointed by the Governing Body to serve for terms of four (4) years from January 1 of the year of their appointment. The Governing Body shall also appoint two (2) alternate members. Alternate members shall be designated by the Chairman as "Alternate No. 1" and "Alternate No. 2" and shall serve in rotation during the absence or disqualification of any regular member or members. The term of each alternate member shall be two (2) years.

No member of the Zoning Board of Adjustment may hold any elective office or position under the City. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

[§ 30-22.2 Officers.](#)

[2000 Code § 30-22.2]

The Board of Adjustment shall elect a Chairman and Vice-Chairman from its members and shall select a Secretary who may or may not be a member of the Board or a municipal employee.

[§ 30-22.3 Powers and Duties.](#)

[2000 Code § 30-22.3]

The Board of Adjustment shall have the power to:

[a.](#)

Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an official based on, or made in the enforcement of Article [VI](#) of this chapter.

[b.](#)

Hear and decide requests for interpretation of the Zoning Map or Article [VI](#) of this chapter, or for decisions upon other special questions upon which the Board is authorized to pass upon by this chapter.

[c.](#)

To grant, upon an application or an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship where:

[1.](#)

By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation in this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property.

[2.](#)

In an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from this chapter; provided, however, that no variance enumerated in Subsection [d](#) below be granted under this §; and, provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board shall review a request for a variance pursuant to N.J.S.A. 40:55D-60(a).

[d.](#)

In particular cases and for special reasons, grant a variance to: (1) allow a structure or use in a district restricted against such structure or use; (2) an expansion of a nonconforming use; (3) deviation from a specification or standard pursuant to a conditional use; (4) an increase over the maximum permitted floor area ratio; (5) an increase over the maximum permitted density except as applied to the required lot area for a lot or lots for detached one- or two-family dwellings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. A variance under this § shall be granted only by affirmative vote of at least five (5) members of the Board.

No variance or other relief may be granted under the provisions of Subsection [d](#) above unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purposes of the zone plan and Article [VI](#) of this chapter. Any application under this section may be referred to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

The Zoning Board of Adjustment shall also have the power to:

[e.](#)

Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map.

[f.](#)

Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.

[g.](#)

Grant to the same extent, and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to N.J.S.A. 40:55D-37 et seq. or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a variance pursuant to Subsection [d](#) above. In exercising its power, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the officer from whom the appeal was taken.

[h.](#)

Grant variances for Article [V](#), Development Requirements and Standards, relating to signs, fences and parking requirements when such variances are not part of any application for subdivision or site plan approval.

[§ 30-22.4 Temporary Use Approvals.](#)

[2000 Code § 30-22.4]

Temporary Use Approvals may be authorized by the Board of Adjustment after a hearing for a period not to exceed one (1) year for structures and uses in contravention of this chapter. The Board shall insure that the proposed temporary use or structure will not adversely affect adjacent properties or the character of the neighborhood in which it is located and shall use the criteria for evaluation set forth in Subsection [d](#) of § [30-22.3](#).

[§ 30-23 PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT.](#)

[§ 30-23.1 Conflicts of Interest.](#)

[2000 Code § 30-23.1]

No member of the Boards shall act on any matter in which he/she has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself/herself from acting on a particular matter, he/she shall not continue to sit with the Board on the hearing of such matter and not participate in any discussion or decisions relating thereto.

[§ 30-23.2 Compensation.](#)

[2000 Code § 30-23.2]

All members of the Boards shall serve without compensation.

[§ 30-23.3 Attorneys.](#)

[2000 Code § 30-23.3]

Each Board shall appoint an attorney who shall advise the Board or Boards during meetings and public hearings regarding this chapter and the Municipal Land Use Law. The same attorney may be appointed by both Boards.

[§ 30-23.4 Experts and Staff.](#)

[2000 Code § 30-23.4]

Each Board may employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts and grants, the amount appropriated by the Governing Body for its use.

[§ 30-23.5 Bylaws.](#)

[2000 Code § 30-23.5]

The Boards shall adopt such rules, regulations and bylaws as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law (N.J.S.A. 2A:67-1 et seq.) shall apply.

[§ 30-23.6 Meetings.](#)

[2000 Code § 30-23.6]

[a.](#)

Meetings of each Board shall be scheduled at least once a month, unless canceled for lack of applications.

[b.](#)

Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.

[c.](#)

No action shall be taken at any meeting without a quorum being present.

[d.](#)

All actions shall be taken by majority vote of a quorum except as otherwise required by any provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

[e.](#)

All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meeting Act (N.J.S.A. 10:4-6 et seq.).

[§ 30-23.7 Minutes.](#)

[2000 Code § 30-23.7]

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons represented by counsel; the action taken by the Board; the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Board Secretary.

[§ 30-23.8 Meeting Attendance of Applicants.](#)

[Added 12-27-2018 by Ord. No. 2018-39]

If an application is scheduled to be heard, the applicant shall notify the Board Secretary a minimum of two business days before the scheduled hearing date if said applicant desires to postpone the hearing, in writing. In addition, the applicant, at the discretion of the Chair, is required to have a representative appear before the Board to state, for the official record, why the postponement is requested. The Board may, at its discretion, grant the postponement or deny the

application without prejudice. The Board may, at its discretion, require renotification of the application if a postponement is granted.

[§ 30-24 FEES.](#)

[§ 30-24.1 Fees for Applications or Services.](#)

[2000 Code § 30-24.1]

Fees for applications or for the rendering of any services by the Planning Board, Zoning Board and Technical Review Committee, or any member of their administrative staff shall be stated in this section.

[§ 30-24.2 Fee Schedule.](#)

[2000 Code § 30-24.2; Ord. No. 2015-52, Ex. A]

Application Type	Application Fee	Escrow Fee
Appeals and Interpretation	\$200. for all Applicants	\$300. for all Applicants
Conceptual/ Informal Reviews	\$150. for all Applicants	\$500. for all Applicants
Variances (Bulk)		
A) Single and Two Family Uses	\$300.	\$800. plus \$100. per each Variance requested when part of a major sub-division
B) Multifamily	\$300.	\$800. plus \$100. per each Variance requested
C) Nonresidential Variances (Use)	\$300.	\$800. plus \$100. per each Variance required
A) Single and Two Family Uses	\$500.	\$1,200.
B) Multifamily	\$500.	\$1,200. plus \$50. per unit
C) Nonresidential	\$500.	\$1,200. plus \$100. per 1,000 sq. ft. or fraction thereof over 2,000 sq. ft. gross impervious surface to be developed
Conditional Use Permit	\$450.	\$250. plus \$100. per 1,000 sq. ft. or fraction thereof over 2,000 sq. ft. gross impervious surface to be developed
Subdivision		
A) Minor/Sketch Plat	\$200. plus \$50. per lot	\$750.
B) Major Subdivision		
Preliminary Review	\$300. plus \$50. per lot	\$1,500. plus \$200. per lot
Final Review	\$200. plus \$25. per lot	\$500. plus \$100. per lot
Site Plan Review		
A) Minor Development		

Application Type	Application Fee	Escrow Fee
Residential	\$200	\$1,000
Nonresidential	\$200	\$1,000
B) Major Development		
(1) Residential Preliminary Review	\$200. plus \$50. per unit	\$2,000. plus \$100. per 1,000 sq. ft. developed gross impervious surface or fraction thereof over 2,000 sq. ft., plus \$200. per dwelling unit
Final Review	\$100. plus \$25. per unit	\$1,000. plus \$50. per 1,000 sq. ft. developed gross impervious surface, or fraction thereof, over 2,000 sq. ft., plus \$200. per dwelling unit
(2) Nonresidential Preliminary Review	\$250. plus \$50. per 1,000 sq. ft. developed gross impervious surface, or fraction thereof, over 2,000 sq. ft.	\$2,000. plus \$100. per 1,000 sq. ft. developed gross impervious surface or fraction thereof over 2,000 sq. ft., plus \$200. per 1,000 sq. ft., or fraction thereof, of gross floor area
Final Review	\$125. plus \$25. per 1,000 sq. ft. developed gross impervious surface, or fraction thereof, over 2,000 sq. ft.	\$1,000. plus \$50. per 1,000 sq. ft. developed gross impervious surface, or fraction thereof, over 2,000 sq. ft., plus \$100. per 1,000 sq. ft., or fraction thereof, of gross floor area
C) Conceptual Site Plan Review	\$100.	Cost of professional services to be paid by applicant
Special Meeting Fee	\$1,800.	\$500.
Plan Amendment	\$500.	\$3,000.

[§ 30-24.3 Fees; Payment Due.](#)

[2000 Code § 30-24.3; Ord. No. 2015-52, Ex. A]

Fees shall be paid at the time the application is filed and no application shall be deemed complete until the administrative officer certifies in writing that all required fees have been paid. In the event the application is for more than one (1) category of relief or action, the application and escrow fees shall consist of the sum of the fees for each category.

[§ 30-24.4 Miscellaneous Charges.](#)

[2000 Code § 30-24.4; Ord. No. 2647; Ord. No. 2654; Ord. No. 2015-52, Ex. A]

Any miscellaneous charges or expenses incurred by the Planning Board or Zoning Board of Adjustment or Technical Review Committee and not covered by application or professional escrow fees shall be paid by the applicant.

[§ 30-24.5 Escrow Deposits: When Required.](#)

[2000 Code § 30-24.5; Ord. No. 2589; Ord. No. 2015-52, Ex. A]

Escrow fees shall be deposited at the time an application is filed for one (1) or more categories listed in this section. The maximum initial deposit shall consist of an amount not exceeding five thousand (\$5,000.00) dollars, except for applications in a redevelopment zone within the City of

Asbury Park (redevelopment application). The initial escrow amount for such a redevelopment application shall be governed by the redevelopment agreement in place. Absent such an agreement, this section shall continue to govern. Applicants shall supplement the escrow deposit, as required, to cover the costs of professional services provided in the review of an application.

[§ 30-24.6 Professional Services Covered by Escrow Deposits.](#)

[2000 Code § 30-24.6; Ord. No. 2647; Ord. No. 2654; Ord. No. 2015-52, Ex. A]

Professional services contemplated hereunder shall include, but not be limited to the following:

[a.](#)

Director of Planning and Redevelopment.

[b.](#)

Zoning Officer.

[c.](#)

Assistant City Planner.

[d.](#)

City Engineer.

[e.](#)

City Attorney.

[f.](#)

Construction Official.

[g.](#)

Attorneys engaged by the Planning and Zoning Boards and Technical Review Committee.

[h.](#)

Professional planners, consultants, and advisors to the Planning Board, Zoning Board of Adjustment or Technical Review Committee.

[i.](#)

Any other professional or consultant hired or engaged by the Planning Board, Zoning Board of Adjustment or Technical Review Committee to aid and assist them in reviewing, evaluating and acting upon development applications, including the hiring of experts for reports and testimony, if deemed appropriate and necessary.

[j.](#)

Professional Court Reporter/Stenographer.

[§ 30-24.7 Disbursement of Escrow Funds.](#)

[2000 Code § 30-24.7; Ord. No. 2015-52, Ex. A]

[a.](#)

After final disposition of an application by a Board or the Technical Review Committee and pursuant to follow-up inspections for construction of required improvements, the professionals involved shall submit to the administrative officer a detailed statement of services rendered and the charge thereof. The administrative officer shall review and verify each statement and send a copy of the requisition for the approved amount to the applicant by certified mail for review. The applicant shall file any objection to the charges, and request a hearing in writing before the Board with which the application was originally filed, within ten (10) days of receipt of the copy of the requisition. If no written objection is received within ten (10) days, the requisition shall be transmitted to the Finance Department for payment out of the escrow account.

[b.](#)

All deposits of escrow funds shall be governed in accordance with N.J.S.A. 40:55D-53.1.

[c.](#)

Any funds not needed for the above purposes shall be returned to the applicant after final disposition of the approving authority.

d.

In the event that the funds deposited by the applicant are found to be insufficient to cover the approved professional costs and expenses, the applicant, upon notice, shall be required to deposit additional funds in the escrow account so that all such expenses are paid.

[§ 30-24.8 Exemptions.](#)

[2000 Code § 30-24.8; Ord. No. 2647; Ord. No. 2015-52, Ex. A]

The provisions of this chapter shall not apply to development applications involving the construction, alteration or expansion of single and two-family dwellings when such development does not require relief from the Zoning Board of Adjustment, the Technical Review Committee or when such development is not part of a planned development.

[§ 30-25 through § 30-28. \(RESERVED\)](#)

[§ 30-29 HEARINGS.](#)

[§ 30-29.1 Rules; Testimony and Records.](#)

[2000 Code § 30-29.1]

a.

Rules. The Boards shall make rules governing the conduct of hearings, which rules shall not be inconsistent with the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) or of this chapter.

b.

Oaths. The officer presiding at the hearing, or such person as he/she may designate, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law (N.J.S.A. 2A:67A-1 et seq.) shall apply.

c.

Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

d.

Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Boards may exclude irrelevant, immaterial or unduly repetitious evidence.

e.

Records. Each Board shall provide for the verbatim recording of the proceeding by either stenographic, mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his/her expense.

f.

Maps and Documents. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the offices of the Board Secretary. The applicant may produce other documents, records, or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

[§ 30-29.2 Notice Requirements for Hearings.](#)

[2000 Code § 30-29.2]

a.

Public Notice. Public notice of a hearing shall be given in the following cases:

1.

Application for preliminary approval of a major subdivision.

2.

Application which requires a variance, whether before the Planning Board or Board of Adjustment.

3.

Application for major development approval.

4.

At any other time the Board shall require notice as part of an application, hearing or other act the Board deems fit for the application to re-notice in the interest of the public.

[Added 12-27-2018 by Ord. No. 2018-39]

b.

Public Notice Procedures.

1.

Public notice shall be given by publication in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Such notice shall be arranged by the applicant.

2.

Notice shall be given to the owners of all real property located within two hundred (200) feet in all directions of the perimeter of the subject property, as shown on the current tax duplicate, whether such real property is located within or without the City. Such notice shall be given by: (a) serving a copy thereof on the owner as shown on the current tax duplicate or his/her agent in charge of the property; or (b) mailing a copy thereof by certified mail to the property owner at his/her address as shown on the current tax duplicate. Notice to a corporate owner may be served upon its president, a vice-president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

c.

Other Notices Required.

1.

Notices of all hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection b of § 30-29.2 to the owners of lands in such adjoining municipality which are located within two hundred (200) feet of the subject premises.

2.

Notice shall be given by personal service or certified mail to the County Planning Board of hearings on applications for development of property (a) adjacent to an existing or proposed County road shown on the Official County Map or on the County Master Plan; (b) adjoining other County land; or (c) situated within two hundred (200) feet of a municipal boundary.

3.

Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.

4.

Notice shall be given by personal service or certified mail to the Director of the State and Regional Planning in the Department of Community Affairs of a hearing on an application for

development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the City Clerk pursuant to N.J.S.A. 40:55D-10(b).

5.

Notice of hearings on the Master Plan, capital improvements program or Official Map shall be given in accordance with N.J.S.A. 40:55D-13 and N.J.S.A. 40:55D-15, respectively.

d.

Time for Service. All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for hearing.

e.

Method of Service. Any notice made by certified mail as hereinabove required shall be deemed as complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.

f.

Form of Notice. All required notices shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Tax Assessor's office. The notice shall indicate the location and times at which any maps and documents for which approval is sought may be reviewed by the public. If the application for development includes consideration of a conditional use, the hearing notice shall include reference to the conditional use.

g.

List of Property Owners Furnished. Pursuant to the provision of N.J.S.A. 40:55D-12(c), the Tax Assessor, within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee of ten (\$10.00) dollars shall make and certify a list from the current tax duplicate of names and addresses of owners in the City to whom the applicant is required to give notice pursuant to Subsection b2 of § 30-29.2. The applicant shall also supply to the Tax Assessor at the time of request a map showing all properties and current Tax Map information for the subject property and all properties within two hundred (200) feet of the perimeter of the subject property. The applicant shall be entitled to rely upon the information contained in such list and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding.

h.

Material to be Filed with Board. The applicant shall file an affidavit of proof of service, form of notice, list of property owners served, and map specified in Subsection g above with the Board prior to the hearing.

§ 30-30 DECISIONS.

[2000 Code § 30-30]

a.

Each decision on any application for development shall be set forth in writing within forty-five (45) days of a decision as a resolution of the Board which shall include findings of fact and legal conclusions based thereon.

b.

A copy of the resolution shall be mailed by the Secretary of the Board within ten (10) days of its adoption to the applicant or, if represented, then to his/her attorney, without separate charge. A copy of the resolution shall also be mailed to all persons who have requested it and who have paid the fee prescribed for such service. A copy of the resolution shall also be filed in the Office of the City Clerk, who shall make a copy of such filed resolution available to any interested party

upon payment of a fee calculated in the same manner as those established for copies of other public documents in the City.

C.

A brief notice of every final decision shall be published in the official newspaper of the City. Such publication shall be arranged by the applicant unless otherwise advised by the Board Secretary. If the Board Secretary arranges for the publication of the notice of decision, it shall be done without further charge to the applicant. Notice of decision shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.