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Chapter 1

GENERAL PROVISIONS

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§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Mantoloking of a general and permanent nature adopted by the Mayor and Council of the Borough of Mantoloking, as revised, codified and consolidated into chapters and sections and consisting of Chapters 1 through 23, together with any respective Appendices, are hereby approved, adopted, ordained and enacted as the "Code of the Borough of Mantoloking," hereinafter collectively known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-4. Publication; filing.

The Municipal Clerk, pursuant to law, shall cause to be published, in the manner required, a copy of this Adopting Ordinance or a summary thereof in a newspaper of general circulation in the borough. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-5. Severability.

If any chapter, section, subsection or paragraph of the Code shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining chapters, sections, subsections or paragraphs of the Code.

§ 1-6. Updates; Revisions.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are

printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-7. Availability of Code Book.

Copies of the Code book containing the "Revised General Ordinances of the Borough of Mantoloking", shall be available online, in addition to a copy of which may be purchased from the Municipal Clerk upon the payment of a fee, to be set by resolution of the Borough Council.

§1-8. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance.

Final Version

Chapter 2

ADMINISTRATION

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 - **Chief Financial Officer.**
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 - **Tax Assessor.**
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- **Article III Office of Administration and Land Use.**
 - **Borough Administrator.**
 - **Borough Attorney**
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 - **Code Enforcement Officer.**
 - **Deputy Code Enforcement Officer.**
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 - **Administrative Assistant: Zoning, Engineering, Planning.**
 - **Building Inspector.**
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 - **Seasonal Employees.**
- **Article IV Department of Fire Safety**
 - **Fire Official**
 - **Inspectors.**
- **Article V Public Works Department**
 - **Supervisor, Public Works.**
 - **Laborer.**

§ 2-1. Organization of Departments and Offices.

The Mayor and Council hereby establishes the creation and organization of departments in the Borough. The departments of the Borough shall consist of a Municipal Court, Police Department, Municipal Clerk's Office, Finance Department, Office of Administration and Land Use, and Department of Public Works. The following titles shall be considered Department Heads for each respective department/office:

- a) Chief of Police for the Police Department;
 - b) Municipal Clerk for the Municipal Clerk's Office;
 - c) Chief Financial Officer for the Finance Department;
 - d) Borough Administrator for Office of Administration and Land Use; and
 - e) Supervisor of Public Works for the Department of Public Works.
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Final Version

ARTICLE I

§ 2-2. Office of Municipal Clerk; Established.

The Office of Municipal Clerk is hereby established.

§ 2-3. Municipal Clerk; Appointment; Term.

There shall be a Municipal Clerk appointed by the Mayor with the advice and consent of the Borough Council. The term of office of the Clerk shall be three (3) years which shall run from January 1 in the year in which the Clerk was appointed in accordance with N.J.S.A. 40A:9-133.

§ 2-4. Qualifications.

No person shall be appointed as Municipal Clerk unless he or she shall have a registered Municipal Clerk Certificate issued, pursuant to N.J.S.A. 40A:9-133.

§ 2-5. Tenure.

The Clerk shall be granted tenure in office upon reappointment after having held the position of municipal clerk for a period of three consecutive years provided that the clerk shall hold a certificate as a registered municipal clerk.

§ 2-6. Duties.

The Municipal Clerk shall:

- a. Serve as Clerk of the Council, attend all meetings of the Council and of Council Committees when required by the Chairman and shall keep the minutes of the meetings of the Council and of the Committees. The minutes of each meeting of the Council shall be signed by the Clerk who shall retain the original copies of all ordinances and resolutions;
- b. Act as secretary of the municipal corporation and custodian of the municipal seal and of all minutes, books, deeds, bonds, contracts, and archival records of the municipal corporation. The Borough Council may, however, provide by ordinance that any other specific officer shall have custody of any specific other class of record;
- c. Serve as the chief administrative officer in all elections held in the Borough;
- d. Serve as chief registrar of voters in the Borough,
- e. Serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or ordinance has delegated that responsibility to some other Borough officer;
- f. Serve as coordinator and records manager responsible for implementing local archives and records retention programs;
- g. Cause the corporate seal of the Borough to be affixed to instruments and writings when authorized by ordinance or resolution of the Council or when necessary to exemplify any document on record in his office, or to certify any act or paper which from the records in his office shall appear to have been a public act of the Borough or a public document;

- h. Serve as Registrar of Vital Statistics;
- i. Be the depository for and the custodian of all official surety bonds furnished by or on account of any officer or employee, except his own bond which shall be placed in the custody of the treasurer; of all insurance policies on or with respect to risks insured for the benefit of the Borough or to protect it against any claim, demand or liability; and all formal contractors for work, labor, services, supplies, equipment and materials to which the Borough may be a party;
- j. Be the depository for and the custodian of all performance bonds running to the Borough as obligee, or any other form of security given by a contractor, subdivision developer or other persons on account of work done or to be done in or for the Borough;
- k. Have custody of all leases of property owned by the Borough;
- l. Report to the Council annually, at such times as the Council may require, on the coverage, expiration date and premium of each surety bond and contract of insurance; the nature and terms of outstanding leases, the rent reserved by each and their respective expiration dates;
- m. Perform such other duties as are now or hereafter imposed by Statute, regulation or ordinance.

§ 2-7. Deputy Municipal Clerk.

The Mayor, with the advice and consent of the Borough Council, may also appoint a Deputy Municipal Clerk to assist the Municipal Clerk with the completion of his or her powers and duties.

ARTICLE II

§ 2-8. Finance Department; Established.

The Finance Department is hereby established.

§ 2-9. Chief Financial Officer, Position Created; Appointment.

The position of Chief Financial Officer for the Borough of Mantoloking is hereby created. The Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Borough Council.

§ 2-10. Qualifications.

Any person holding the title of Chief Financial Officer shall comply with the provisions of N.J.S.A. 40A:9-140.1 et seq., as amended, regarding certification as a Municipal Finance Officer.

§ 2-11. Tenure of Office; Removal.

- a. Notwithstanding the provision of any other law to the contrary, any person who has served as the Chief Financial Officer of the Borough for four (4) consecutive years and who is reappointed as the Borough's Chief Financial Officer shall be granted tenure of office upon filing with the Borough's Clerk and the Division of Local Government Services in the Department of Community Affairs a notification evidencing his compliance with this section.
- b. Thereafter, the person shall continue to hold office during good behavior and efficiency, and shall not be removed therefrom except for just cause and then only after a public hearing upon a written complaint setting forth the charge or charges against him pursuant to N.J.S.A. 40A:9-140.9 or upon expiration or revocation of certification by the Director pursuant to N.J.S.A. 40A:9-140.12.

§ 2-12. Duties.

Pursuant to N.J.S.A. 52:27BB-26 et seq., the Chief Financial Officer shall oversee financial operations of the Borough, which include:

- a. Receiving funds entrusted, received or under the control of any department and deposit all funds received by him/her in depositories authorized by the Mayor and Borough Council by resolution.
- b. Having custody of all investments and invested funds of the Borough or in possession of the Borough in a fiduciary capacity, except as otherwise provided by law, and keep such funds and all moneys of the Borough not required for current operations safely invested or deposited in interest-bearing accounts.
- c. Having the safekeeping of all bonds and notes of the Borough and the receipt and delivery of the Borough bonds and notes for transfer, registration or exchange.
- d. Keeping a full account of all cash receipts and disbursements of the Borough and at least once each month, or more often if the Borough Council requires, furnish the Borough Council with a summary of all moneys received and expended by him/her.

The Chief Financial Officer shall also be responsible to act as Central Purchasing Agent for the Borough and shall:

- a. Have authority to prepare public advertising for bids.
- b. Have authority to receive bids for purchase of work material and supplies on behalf of the Borough.
- c. Negotiate and award contracts which do not exceed the sum required to be submitted for public bidding pursuant to the Local Public Contracts Law.
- d. Be responsible for the development, coordination, implementation and supervision of the complete municipal purchasing program.
- e. Review vouchers to ensure the availability of funds.

In regards to documentation that requires an official signature of the Mayor, Clerk, or CFO, the following individuals shall be deemed as suitable alternatives in the event the primary individual is unable to sign:

Mayor	Alternate:	President of Council
Borough Clerk	Alternate:	Deputy Borough Clerk
Chief Financial Officer	Alternate:	A person nominated by the Mayor and approved by resolution of the Mayor and Council.

§ 2-13. Deputy Chief Financial Officer.

The Deputy Chief Financial Officer shall be appointed by the Mayor, with the advice and consent of the Borough Council. The Deputy Chief Financial Officer shall aid the Chief Financial Officer in performing all the duties of overseeing the financial operations of the Borough, as assigned and delegated by the Chief Financial Officer. The Deputy Chief Financial Officer shall also perform such duties as required by law and the ordinances of the Borough and assigned to him/her by the Governing Body and Chief Financial Officer.

§ 2-14. Tax Collector; Term of Office; Appointment.

Pursuant to N.J.S.A. 40A:9-141., the Mayor, with the advice and consent of the Borough Council, shall appoint the Tax Collector. The Tax Collector shall hold office for a term of four (4) years from January 1 next following his appointment. Vacancies other than those due to expiration of term shall be filled by appointment for the unexpired term.

§ 2-15. Qualifications; Certification Requirements.

No person shall be appointed or reappointed as Tax Collector unless he or she shall hold a Tax Collector Certificate issued by the Director of the Division of Local Government Services. A Tax Collector certificate shall be obtained upon qualification and successful completion of the examination given by the Director of the Division of Local Government Services. Qualifications for certification shall be in accordance with N.J.S.A. 40A:9-145.2.

§ 2-16. Duties.

The Tax Collector shall be charged with the duty of collecting taxes upon real property in the Borough. The Tax Collector shall possess all of the powers and duties established by law. The Collector shall enter in suitable books, which shall be retained at the Borough Hall, to be kept for that purpose the sums received by him each day for taxes, with the names of the persons on whose account the same have been paid; shall keep a record and account of the finances of the Borough, and shall, within sixty (60) days after the end of the fiscal year, or when otherwise required by the Council, make and furnish a report thereof, with a detailed and true statement of all moneys received by him/her and disbursed therefrom and for what purposes, from the commencement of his/her official year to the date of his report, or for such period as the Council may require, and a list of delinquent taxpayers for the previous year. He/she shall file the report, with two (2) copies of the statement and list of delinquents, with the Municipal Clerk within the time hereinabove specified or when otherwise required by the Council. He/she shall, as necessary and as directed, arrange for and conduct sales of real estate for delinquent taxes.

§ 2-17. Tax Assessor; Appointment; Term.

The Assessor shall be appointed by the Mayor with the advice and consent of the Borough Council for a term of four (4) years and shall acquire tenure as provided by law. The Tax Assessor shall hold office for a term of four (4) years. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term.

§ 2-18. Qualifications.

The Tax Assessor shall hold the Tax Assessor's Certificate provided for in N.J.S.A. 54:1-35.25 et seq. and shall have the duty of assessing property for the purpose of general taxation. Nothing in this section shall affect adversely the salary or tenure rights acquired pursuant to N.J.S.A. 54:1-35.31 or any other law.

§ 2-19. Duties.

The Tax Assessor shall:

- a. Have, perform and discharge all the functions, powers and duties prescribed by law for a municipal assessor.
- b. Maintain adequate assessment records of each separate parcel of real property assessed or exempted.
- c. Maintain a current tax map of the Borough as a public record and cause to be recorded thereon all changes in ownership or character of the real property assessed, employing for that purpose the facilities of other departments as provided by the Code.
- d. Report to the Council as to equalization proceedings and other matters involving the County tax board and make recommendations as to action to be taken in that regard.
- e. All records and official documents shall be kept at the Borough Hall.

§ 2-20. Deputy Tax Assessor; Appointment; Term.

The Deputy Tax Assessor shall be appointed by the Mayor with the advice and consent of the Borough Council. The Deputy Tax Assessor shall serve for a period not to exceed four (4) years from July 1, 1987, in accordance with N.J.S.A. 40A:9-148.

§ 2-21. Duties.

The Deputy Tax Assessor shall perform all the regular and usual duties of the Tax Assessor and such other tasks as are assigned to the Deputy Tax Assessor by the regularly appointed Tax Assessor for the Borough of Mantoloking.

§ 2-22. Administrative Assistant: Taxes and Finances.

The Mayor, with the advice and consent of the Borough Council, may also appoint an Administrative Assistant for Taxes and Finance. The Administrative Assistant shall assist the Finance Department in accordance with the Administrative Assistant's job description.

Final Version

ARTICLE III

§ 2-23. Office of Administration and Land Use; Established.

The Office of Administration and Land Use is hereby established.

§ 2-24. Borough Administrator; Appointment; Term.

The Borough Administrator shall be appointed by the Mayor with the advice and consent of Borough Council. The term of this office shall be at the pleasure of the governing body, and removal shall be governed by N.J.S.A. 40A:9-136 et seq.

§ 2-25. Qualifications.

The Municipal Administrator shall be chosen on the basis of executive and administrative qualifications, with special reference to actual training or experience in governmental affairs, and educational experience and training.

§ 2-26. Duties.

The duties of the Borough Administrator shall be as follows:

- a. Improving communications among the various Borough personnel, departments, professionals, boards, and the governing body.
- b. Integrating and facilitating the functions of all departments, boards, professionals, offices and elected and appointed officials so as to provide a key link for day-to-day operations and allowing department heads to focus on their areas of expertise.
- c. Consulting with the Mayor and Council and staff to establish goals and objectives for the Borough as a whole as well as Borough personnel to be reviewed on an annual basis with special emphasis on critical problems and any deterrents to the achievement thereof.
- d. Implementing the policies, priorities and directives of the governing body and providing information and analysis to the Mayor and Council in connection with their policy development.
- e. Assisting the governing body in translating its vision and goals into action plans by monitoring accomplishment of projects/initiatives and assisting in expediting as appropriate.
- f. Coordinating the fulfillment of the objectives as set forth recommended in the Borough's strategic plan with the budget and with long range planning.
- g. Recommending process improvement initiatives to the Mayor and Council to enhance organizational productivity and implementing such process(es) as directed.
- h. Providing municipal government orientation and training for newly elected officials.
- i. Assisting the Municipal Clerk, Mayor and Council in preparation of Council Meeting agendas.
- j. Attending all council meetings and other meetings as may be directed by the governing body.

- k. Keeping the governing body informed as to the conduct of the Borough affairs; submit periodic reports, either in writing or orally as deemed advisable or as the governing body shall request.
- l. Establishing clear expectations, providing clarity around roles, and ensuring transparent communication throughout the organization including keeping employees informed of Borough activities that affect them and involve employees in the identification and solution of problems facing the Borough.
- m. Under the direction of the Mayor and Council, encouraging regional cooperation with other municipalities and government agencies.
- n. Ensuring the Borough has effective community outreach and public relations including all appropriate and effective technology.
- o. Advising Borough department heads on a full range of organizational, management, administrative, technological, budget, and financial policies and related issues.
- p. Advising Mayor and Council and department heads in the recruitment, hiring, discipline and evaluation systems of employees and all matters of personnel administration including facilitating development of formalized job descriptions for appropriate positions.
- q. Serving as the personnel officer of the Borough and maintaining personnel files as required by law.
- r. Assisting the Chief Financial Officer, Finance Committee and Mayor and Council in the preparation, review, and adoption of the temporary budget, annual capital, and operating budgets.
- s. Administering, in conjunction with the Chief Financial Officer and department heads, the adopted budget, including maintenance of a continuing review and analysis of the budget operation, work progress and costs of municipal services; and assessing the attainment of budget and service goals and reporting the same regularly to the Mayor and Council.
- t. Ensuring that the provisions of all contracts, franchises, leases, permits and privileges granted by the Borough are complied with and providing periodic reports of said compliance upon request.
- u. Negotiating, researching, recommending, and implementing contracts, in conjunction with the appropriate department head(s), for the Borough upon request of the governing body and subject to the approval of the governing body.
- v. Researching, recommending and implementing funding grants from various sources for the improvement and development of Borough capital projects and needs as well as for services to the Borough and its residents.
- w. Perform such other functions and duties as may from time to time be assigned by ordinance, resolution or direction of the Mayor and Council, consistent with the laws of the State of New Jersey.

§ 2-27. Borough Attorney; Appointment; Term; Qualifications.

The Borough Attorney shall be appointed by the Mayor with the advice and consent of the Borough Council, and shall hold such position for a term of one (1) year from January 1 of the year in which the appointment is made. The Borough Attorney shall be a duly licensed Attorney-at-Law of the State of New Jersey.

§ 2-28. Duties.

The Attorney shall give all legal counsel and advice required by the Council or any member thereof and shall in general serve as the legal advisor to the governing body on all matters of Borough business. He/she shall represent the Borough in all judicial and administrative proceedings in which the Borough or any of its officers or agencies may be a party or have an interest. In furtherance of his general powers and duties, but without limiting them, the Attorney shall:

- a. Draft or approve as to form and sufficiency all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the Borough;
- b. Conduct appeals from orders, decisions or judgments affecting any interest of the Borough;
- c. With the approval of the Borough Council, compromise or settle litigation in which the Borough is involved;
- d. Render written opinions upon questions of law submitted to him by the governing body or any member thereof with respect to their official powers and duties;
- e. Supervise and direct the work of additional attorneys and technical and professional assistance, which the governing body may authorize for special or regular employment in or for the Borough.

§ 2-29. Borough Engineer; Appointment; Term; Qualifications.

There shall be a Borough Engineer who shall be appointed by the Mayor with the advice and consent of the Borough Council for a term of three (3) years. The Borough Engineer shall receive such compensation as may be agreed upon and determined by the Council. He/she shall be a duly licensed professional engineer of the State of New Jersey.

§ 2-30. Duties.

The Borough Engineer shall perform the duties prescribed by general law and ordinance, and in addition shall:

- a. Prepare or cause to be prepared plans, designs and specifications for public works and improvements undertaken by the Borough, either on force account or by public contract.
- b. Provide and maintain surveys, maps, plans, specifications and control records with

respect to public works and facilities owned or operated by the Borough.

- c. Provide technical and engineering advice and assistance to other Borough departments as needed.
- d. Upon the termination of his service with the Borough, he shall surrender all materials relating to the administration of his engineering duties.

§2-31. Zoning Officer; Appointment; Term; Qualifications.

One or more Zoning Officers shall be appointed by the Mayor, with the advice and consent of the Borough Council, and shall serve a term of one year, commencing on January 1 of the year of appointment and ending on December 31 of that year, or until a successor or successors shall be appointed and qualified.

To be appointed to the position of Zoning Officer, an individual must have three years of experience in the preparation and revision of building construction plans and specifications or in the full-time inspection and enforcement of zoning and/or building construction laws and regulations and must possess a driver's license valid in New Jersey.

§2-32. Duties.

The duties of the Zoning Officer shall be:

- a. To enforce the Zoning Ordinances of the Borough of Mantoloking.
- b. To issue zoning permits in accordance with the Code of the Borough of Mantoloking.
- c. To issue flood hazard letters, in writing, when requested.
- d. To answer all inquiries with regard to zoning.
- e. To keep a record of all applications for permits and of all permits and certificates issued, with a notation of all special conditions involved.
- f. To file and safely keep copies of all plans submitted.

The Zoning Officer shall be deemed to be the administrative officer as defined in N.J.S.A. 40:55D-3 and shall also issue certifications on behalf of the Borough of Mantoloking, certifying whether or not a subdivision has been approved by the Land Use Board, in accordance with N.J.S.A. 40:55D-56, and, in general, shall coordinate the efforts of the Land Use Board and have such other duties or responsibilities as may, from time to time, be imposed with regard to the Land Use Board. The Zoning Officer shall conduct field inspections and special investigations to ensure compliance with various municipal ordinances, initiate and enforce rules and regulations in relation to enforcement of ordinances, initiate necessary legal action against violators of various municipal ordinances, prepare needed reports, establish and maintain the records and files and may assist in the promulgation of municipal ordinances.

§2-33. Code Enforcement Officer; Appointment; Term.

One or more Code Enforcement Officers shall be appointed by the Mayor, with the advice and consent of the Borough Council, and shall serve a term of one year, commencing on January 1 of the year of appointment and ending on December 31 of that year, or until a successor or successors shall be appointed and qualified.

§2-34. Qualifications.

To be appointed to the position of Code Enforcement Officer, an individual must meet the following requirements. The individual must:

- a. Have the ability to make necessary inspections and investigations without giving unnecessary offense.
- b. Have the ability to take and maintain a firm and correct stand when controversial matters are considered.
- c. Have the ability to prepare clear, sound, accurate and informative reports containing findings, conclusions and recommendations.
- d. Have the ability to establish and maintain needed records and files.
- e. Have the ability to make evaluative judgments based on the application of statutory or regulatory provisions.

§2-35. Duties.

The duties of the Code Enforcement Officer shall be as follows:

- a. To conduct field inspections and special investigations to ensure compliance with the various municipal ordinances, enforce rules and regulations in relation to the enforcement of ordinances, prepare needed reports, assist in the establishment and maintenance of the records and files and assist in promulgation of municipal ordinances.
- b. To oversee and give direction to the Building Inspector in the performance of the duties of the Building Inspector and to assist the Building Inspector in the performance of those duties when necessary.
- c. To perform such other duties as directed by the Mayor and Borough Council or the Borough Administrator.

§ 2-36. Deputy Code Enforcement Officer.

The Deputy Code Enforcement Officer shall be appointed by the Mayor, with the advice and consent of the Borough Council. The Deputy Code Enforcement Officer shall aid the Code Enforcement Officer in performing all the duties as assigned and delegated by the Code Enforcement Officer. The Deputy Code Enforcement Officer shall also perform such duties as required by law and the ordinances of the Borough and assigned to him/her by the Governing Body and Code Enforcement Officer.

§ 2-37. Construction Official & Subcode Officials; Appointment; Term; Qualifications.

The Construction Official, together with a Building Subcode Official, Plumbing Subcode Official, Mechanical Subcode Official; Electrical Subcode Official and Fire Subcode Official, shall be appointed by the Mayor with the advice and consent of the Council, to serve for a term of four (4)

years. The Construction Official must be duly qualified under the State Uniform Construction Code Act.

§ 2-38. Duties.

The Construction Official shall administer and enforce the Uniform Construction Code of the State of New Jersey, and the subcode officials shall administer and enforce said Code under their particular subcode. The Construction Official shall be the chief administrator with overall supervision of the subcode officials, and shall have the power to overrule a determination of any subcode official if the Construction Official is qualified to act pursuant to the State Uniform Construction Code Act as a subcode official for such subcode. The Construction Official may serve as a subcode official for any subcode for which he/she is qualified under the State Uniform Construction Code Act to administer.

§ 2-39. Board of Appeals.

Any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the County Board of Appeals of the County of Ocean established under the State Uniform Construction Code Act.

§ 2-40. Administrative Assistant: Zoning and Engineering/Planning Board Secretary/Recording Secretary.

The Mayor, with the advice and consent of the Borough Council, may also appoint an Administrative Assistant for the Zoning, Engineering, Planning Board, and Recording Secretary. The Administrative Assistant shall assist the above-referenced Departments in accordance with the Administrative Assistant's job description.

§ 2-41. Building Inspector; Appointment; Term; Qualifications.

One or more Building Inspectors shall be appointed by the Mayor, with the advice and consent of the Borough Council, and shall serve a term of four years. The Building Official must be duly qualified under the State Uniform Construction Code Act.

§ 2-42. Duties.

The Building Inspector shall receive applications for building permits; examine plans for new structures to see that they comply with all applicable ordinances; determine that building repairs and alterations conform to established rules and regulations; periodically inspect buildings within the municipality to assure that construction and alteration work follows approved plans; and enforce all laws relating to construction, alteration, removal or demolition of buildings and structures except as may be otherwise provided for in other ordinances or regulatory measures.

§ 2-43. Dune Inspector; Appointment; Term; Qualifications.

One or more Dune Officers shall be appointed by the Mayor, with the advice and consent of the Borough Council, and shall serve a term of one year, commencing on January 1 of the year of appointment and ending on December 31 of that year, or until a successor or successors shall be appointed and qualified.

§ 2-44. Duties.

The Borough Dune Inspector shall enforce the affirmative duty of each oceanfront owner, as set forth in Chapter 11, "Protection of Beaches and Dunes", by service of a written notice, certified

mail, return receipt requested, upon the record owner westward of the dune at their last known address requiring specific compliance with obligations concerning dune protection and/or restoration. The notice shall also advise that, unless the owner shall take appropriate corrective action and complete the same within 45 days from the date of mailing said notice, the Borough may perform such acts of protection and/or restoration at the expense of the owner. Such expenditures by the Borough, if any, shall be due and payable upon demand. In the event that any such owner shall fail to pay, then the sum together with interest at the highest legal rate thereon shall become a lien upon the property and be collected in the same manner as delinquent real property taxes.

§2-45. Seasonal and Temporary Employees.

The Borough shall employ such lifeguard or lifeguards and other seasonal employees as may be required for the proper supervision of public bathing at designated public beaches within the Borough. Notwithstanding any other provision of this Code, the Borough Administrator shall be responsible for appointing all seasonal and temporary employees. Every seasonal or temporary appointment made by the Administrator shall terminate 30 days from appointment, unless and until the Borough Council ratifies the same.

Final Version

ARTICLE IV

§ 2-46. Establishment and Duties of Department of Fire Safety. [Ord. No. 437 § I]

Pursuant to Section 11 of the Uniform Fire Safety Act (N.J.S.A. 52:27 D-194), the New Jersey Uniform Fire Code (N.J.A.C. 5:70, et seq.) shall be locally enforced in the Borough of Mantoloking by the Department of Fire Safety, which is hereby established. The Borough Department of Fire Safety shall be comprised of the Borough Fire Official and Fire Inspector. The Department of Fire Safety may request that the Mayor and Council assign necessary support personnel to assist with the enforcement of this chapter. The Department of Fire Safety shall be a part of the Code Enforcement Staff of the Borough and shall be under such qualified Fire Official who shall be appointed by the Mayor with the advice and consent of the Borough Council.

The Department of Fire Safety shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the Borough other than owner-occupied and one- and two- family dwellings which are subject to exclusive inspection by the Department of Community Affairs pursuant to N.J.S.A. 52:27D-213b, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code. Additionally, the Department of Fire Safety shall conduct periodic inspections of life hazard uses as required by the Commissioner of Community Affairs.

§ 2-47. Fire Official: Appointment, Term of Office, Removal. [Ord. No. 437 § VI]

The Department of Fire Safety shall be under the direct supervision of the Fire Official who shall be qualified and appointed according to law. The Fire Official shall serve for a term of one (1) year. Any vacancy shall be filled for the unexpired term by the Mayor, with the consent of the Council. Inspectors and other employees of the enforcing agency shall be subject to removal by the Governing Body on an at-will basis.

§ 2-48. Inspectors.

The governing body shall appoint inspectors to assist the Fire Official, including, but not limited to: Electrical Inspectors, Fire Inspectors, Mechanical Inspectors, and Plumbing Inspectors.

§ 2-49. Duties.

The duties of the Fire Official shall include supervision of the Department of Fire Safety including inspectors and staff, making inspections as required by the Uniform Fire Safety Act, reporting to the Chief of the Fire Department on a regular basis or as required by the Chief of the Fire Department, and keeping and maintaining such records and making such written reports as may be required by law. Inspectors shall assist the Fire Official to perform all required duties pursuant to the Uniform Fire Safety Act and other applicable laws.

ARTICLE V

§2-50. Public Works Department; Establishment.

The Public Works Department is hereby established.

§2-51. Supervisor; Public Works; Appointment; terms of office.

The Supervisor, Public Works shall be appointed by the Mayor, with the advice and consent of the Borough Council, as an unclassified employee. The Supervisor, Public Works shall serve at the will of the governing body. A person holding the office of Supervisor of Public Works full time for five consecutive years shall have tenure of office as provided for in N.J.S.A. 40A:9-154.6.

§2-52. Qualifications.

To be appointed to the position of Supervisor, Public Works, an individual must meet the following requirements:

- a. Five years of supervisory experience in the construction, maintenance, and repair of streets, sewer, water, sanitation or other public works facilities or similar heavy construction or maintenance work. Satisfactory completion of college-level credits in engineering courses at an accredited college or university may be substituted for up to two years of experience on the basis of 30 semester hour credits being equivalent to one year of experience.
- b. Possess a valid New Jersey driver's license and a valid commercial driver's license (CDL) and applicable endorsements for the class and type of vehicle being operated.
- c. Knowledge of procedures used in making routine and complex repairs to water and sewer equipment and in the construction, maintenance, and repair of streets.
- d. Ability to organize assigned work, give assignments and instructions to groups and individuals; ability to prepare reports; and ability to keep essential records and files.
- e. Ability to learn to utilize various types of electronic and/or manual recording and information systems used by the agency, office, or related units.

§2-53. Duties.

The duties of the Supervisor, Public Works, under direction, shall include:

- a. Having full charge and management of the Department and of the other officers and employees in said Department, subject to the legislative power of the municipality. Such charge shall include the power to hire, fire, discipline and promote employees within the Department of Public Works, subject to approval of the Council.
- b. Direct all Department operations, the maintenance and inventory of Department equipment, the preparation and administration of the Departments budget, the monitoring of all Department purchases and all other duties that the governing body may assign.
- c. Render to the governing body such reports, recommendations, drawings or other documents as may be required, at regular stated intervals or upon special request therefore. He/she shall prepare and present to the governing body short- and long-range recommendations for improvements to the infrastructure of the Borough and in other

areas that are within the functions and duties of his Department.

- d. Have the authority to delegate any of the duties set forth in this chapter to any other qualified employee within his Department and shall make appropriate assignments within said Department in pursuance of this duty.
- e. Make a final determination as to disciplinary action with respect to any employee in addition to final determination as to the granting of scheduled salary increases and authority to approve or disapprove the transfer of employees into or out of his Department, subject only to civil service laws and the legislative powers of the governing body.
- f. Formulate, amend or modify and recommend Department policies and procedures and rules and regulations to the governing body. The governing body may then adopt the recommended policies and procedures and/or rules and regulations by resolution. Upon adoption, these policies and procedures and/or rules and regulations shall govern the management and operation of the Department.
- g. Such other duties as the governing body may from time to time designate.

§2-54. Laborer; Public Works; Appointment; Term; Qualifications

The Laborer, Public Works shall be appointed by the Mayor, with the advice and consent of the Borough Council, as an unclassified employee. Laborers shall serve at the will of the governing body. To be appointed to the position of Laborer, an individual must possess a driver's license of the appropriate type, valid in the state of New Jersey, if the Laborer position is one in which the occasional or incidental operation of a truck is necessary.

§2-55. Duties.

The duties of Laborer, under direction, shall include, but not be limited to, performing various types of manual and unskilled laboring work; may drive a truck in connection with laboring work on occasion and doing related work as required.

Chapter 3

MAYOR AND BOROUGH COUNCIL; COMMITTEES

- § 3-1 The Governing Body.
- § 3-2 Powers and Duties of the Mayor.
- § 3-3 Rules of Council.
- § 3-4 Powers of Council.
- § 3-5 Ordinances and Resolutions.
- § 3-6 Term of Office.
- § 3-7 President of the Council.
- § 3-8 Meetings of the Council.
- § 3-9 Standing Council Committees.
- § 3-10 Advisory Committees.
- § 3-11 Board of Health.
- § 3-12 Environmental Commission.
- § 3-13 Green Team Advisory Committee.
- § 3-14 Municipal Emergency Management Council; Coordinator.

§ 3-1. The Governing Body.

The Governing Body shall consist of the Mayor and six (6) Councilmembers elected at-large in the Borough, all of whom shall be elected and take office in the manner provided by law. The term of office shall commence January 1 next following their election.

§ 3-2. Powers and Duties of the Mayor.

The Mayor shall preside over all meetings of the Council but shall not vote except to give the deciding vote in case of a tie. Except as otherwise provided by statute or specific ordinance, the Mayor shall nominate and, with the advice and consent of the Council, appoint all officers in the Borough. No appointments requiring Council confirmation shall be made except by a majority vote of the Councilmembers present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie. Vacancies in appointive offices shall be filled by appointment in the same manner for the unexpired term only. The Mayor shall make such nomination to fill a vacancy within 30 days after the appointive office becomes vacant. If the Mayor fails to nominate within 30 days or the Council fails to confirm any nomination made by the Mayor, then, after the expiration of 30 days, the Council shall appoint the officer.

The Mayor shall see that the laws of the state and the ordinances of the Borough are faithfully executed and shall recommend to the Council such measures as he/she may deem necessary or expedient for the welfare of the Borough.

The Mayor shall have the powers granted by the laws of New Jersey and the ordinances of the Borough. The Mayor shall supervise the conduct and acts of all officers in the Borough and shall execute all contracts made on behalf of the Council. The members of advisory committees to the municipality created pursuant to Borough Code and N.J.S.A. 40A:60-7 shall be nominated by the Mayor and established by advice and consent of Council by resolution.

§ 3-3. Rules of Council.

The Council shall by ordinance adopt rules of procedure not inconsistent with this chapter.

§ 3-4. Powers of the Council.

The Council shall possess all the powers granted by the laws of the State of New Jersey.

§ 3-5. Ordinances and Resolutions.

Procedure for Passage; Vote Required.

Borough ordinances shall be submitted in writing for introduction at a meeting of the Council and be voted on at such meeting. No ordinance shall be adopted except on second reading after publication by the vote of a majority as required by law, of the members of the Council present at the meeting, the Mayor to have no vote except in the case of a tie.

Publication of Ordinances.

No ordinance shall be considered for final adoption until it has been advertised as required by law. The Municipal Clerk shall be responsible for arranging for the advertising of proposed ordinances.

Ordinance Presented to Mayor after Passage; Veto.

Within ten (10) calendar days after its passage, every ordinance passed by the Council shall be presented to the Mayor by the Municipal Clerk.

If the Mayor approves an ordinance, he shall sign it within ten (10) calendar days after its passage, and file it with the Municipal Clerk. If the Mayor does not approve an ordinance, the ordinance shall be returned to the Municipal Clerk, which shall include the Mayor's objections. At its next meeting, the Council shall cause the objections to be entered at length on its minutes and proceed to reconsider the ordinance.

Passage Over Veto; Vote Required.

If two-thirds (2/3) of all the Councilmembers at the next meeting or at any subsequent meeting to which they postpone such reconsideration, vote to pass the ordinance or the vetoed part over the veto of the Mayor, the ordinance shall take effect.

Records of Ordinances and Resolutions.

The Municipal Clerk shall record all ordinances in books to be provided for that purpose. After each ordinance the Clerk shall record and certify the proof of its publication as required by law. Each ordinance so recorded shall be signed by the Mayor and the Municipal Clerk, who shall attest that it was adopted on a date stated, and when so signed the recorded copy shall be deemed to be a public record of the ordinance. Any omission by the Clerk or the Mayor to record, sign or certify shall not impair or affect the validity of an ordinance which has been duly adopted.

§ 3-6. Term of Office.

The Mayor shall hold office for four (4) years and until his successor qualifies. Councilmembers shall hold office for three (3) years and until their successors qualify and their respective terms shall be arranged so that the terms of two (2) members of Council expire at the end of each year.

§ 3-7. President of the Council.

At the organizational meeting the Council, by a majority vote, shall elect from their number a President of the Council, who shall preside at all of its meetings when the Mayor does not preside. The President of the Council shall hold office for one (1) year and until the next annual meeting. The President of the Council shall have the right to debate the vote on all questions before the Council. If the Council at its annual meeting fails to elect a President, the Mayor shall appoint the President from the Council and in that case no confirmation by the Council shall be necessary. If the Mayor is absent from the Borough for a period of three (3) consecutive days or for any reason is unable to act, the President of the Council shall perform all the duties of the Mayor during his absence or inability. In case of the Mayor's intended absence from the Borough for more than three (3) days at any one time, the Mayor shall notify the President in writing of such intended absence, whereupon the President shall become Acting Mayor upon the receipt of such notice and continue to act until the Mayor's return. In case of the temporary inability of the President to so act, the Councilmember having the longest term of service as such may act temporarily for the President.

§ 3-8. Meetings of the Council.

Organizational, Regular and Special Meetings.

The Council shall meet for organization on the first day of January, or during the first seven (7) days in January in any year at such time and place as the Council may direct. Thereafter, the Council shall meet regularly within the Borough at such times and places as provided by the Rules of Council. The Mayor shall, when necessary, call special meetings of the Council. In case of his neglect or refusal, any four (4) members of the Council may call such meetings at such time and place in the Borough as they may designate. In all cases of special meetings, forty-eight (48) hours written notice (or actual voice contact) shall be given to all members of the Council. Written notice may be given by leaving such notice at their places of residence.

Quorum.

Three (3) members of Council and the Mayor or, in the absence of the Mayor, four (4) Councilmembers shall constitute a quorum for the transaction of business.

Rules of Procedure.

The Council shall provide by resolution rules of procedure not inconsistent with law or this Code. Proceedings at all meetings shall be conducted in accordance with Roberts Rules of Order, Revised, except where the Council provides otherwise by resolution. The Attorney shall give his/her opinion on questions of procedure at the request of members of the Council.

§ 3.9. Standing Council Committees. [Added 12-15-2020 by Ord. No. 712]

Pursuant to N.J.S.A. 40A:60-7, the Council shall annually organize itself into standing committees.

a. The standing committees, nominated by the Mayor and established by advice and consent of Council by resolution, are intended to expedite and facilitate the work of the Borough Council. Nothing within this section shall be interpreted as authorizing any acts by a standing committee that legally and statutorily require action by the entire Borough Council. No act of a standing committee can bind the Borough Council without further action of the governing body.

b. All committees shall consist of no less than two, and no more than three, elected officials as not to violate the Open Public Meeting Act (OPMA) as to a quorum. All members of a standing committee shall serve for the balance of the calendar year of the year of their appointment, expiring on December 31 of the year of appointment.

c. The committee chairperson shall be nominated by the Mayor and established by advice and consent of Council by resolution. The chairperson of each committee shall inform the Mayor of the meetings of such committee and any of the activities, reports, and recommendations of such committee. The Mayor shall only attend a committee meeting upon request of the chairperson when attendance by the Mayor will not create a quorum as defined by N.J.S.A. 40A:60-3(d). The standing committees, along with their respective responsibilities, shall be:

Public Works (Public Works, Engineering, Code Enforcement);

Administration & Legal (Administration, Insurance, Technology);

Land Use (Building, Zoning, Land Use Board, Flooding);

Recreation (Recreation, Beach, Beautification);

Finance (Budget, Grants, Reports, FEMA); and

Public Safety (Police, Fire, First Aid, OEM, Court).

d. Special committees may be created by Council with members nominated by the Mayor and established by advice and consent of Borough Council by resolution, as needed for purposes other than those included above. The chairperson of each standing committee shall serve as the liaison to any advisory committee as to any issue for which the standing committee is responsible.

e. A standing committee shall:

1. Meet when requested by the chairperson of the committee, such meetings to occur at least quarterly. All members thereof may participate actively in the committee deliberations, performances of duties and the formulation of its recommendation to the Borough Council.
2. Plan, study, direct, make commitments within budgetary limitations, and carry on the routine activities for which it has primary responsibility.
3. Perform such acts as may be assigned to it by the Borough Council.
4. Report and make recommendations to the Borough Council regarding its responsibilities and activities.

Except as provided above, a standing committee shall not: (1) expend funds without prior approval of the Borough Council; (2) make promises or commitments to anyone which directly, or by inference, bind the Borough Council; and (3) act in such manner or make decisions which violate policies established by the Borough Council or other applicable governmental division or entity.

§ 3-10. Advisory Committees. [Added 12-15-2020 by Ord. No. 712]

Pursuant to N.J.S.A. 40A:60-7, the Council may create such advisory councils to the municipality as it may choose, including councils for the functions absorbed by it of any heretofore existing boards, commissions or districts. Members of such advisory committees shall be nominated by the Mayor and established by advice and consent of Council by resolution.

§ 3-11. Board of Health.

The Borough shall utilize the Ocean County Board of Health, which shall meet all health-related responsibilities for the Borough as provided by law.

§ 3-12. Environmental Commission.

§ 3-12.1. Established.

There is hereby established in the Borough of Mantoloking an Environmental Commission, which shall be established and governed pursuant to the provisions of N.J.S.A. 40:56A-1.

§ 3-12.2. Members.

The Environmental Commission shall consist of not less than five (5) nor more than seven (7) members. The Mayor shall appoint members to the Environmental Commission. All persons appointed to serve on the Environmental Commission shall be residents of the Borough. One person appointed to serve on the Environmental Commission shall also be a member of the Planning Board. The Mayor shall designate the chair and presiding officer of the Commission.

§ 3-12.3. Term.

The terms of the persons initially appointed to serve on the Environmental Commission shall be one (1), two (2), or three (3) years, so that one-third (1/3) of all members' terms will expire each year. Subsequent appointments shall be made for three (3) year terms.

§ 3-12.4. Duties.

The Environmental Commission shall have the powers and the duties set forth in N.J.S.A. 40:56A-1 et seq. Specifically, the Commission shall keep records of its meetings and activities and shall make an annual report to the Council. The Commission shall keep an index of all open areas, publicly or privately owned, within the Borough. The Commission may study and make recommendations to Council and to the Planning Board concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources, and protection of flora and fauna.

§ 3-12.5. Council to Allocate Funds. [Ord. No. 530 §§ 1—5]

The Borough Council may allocate such funds as it deems appropriate for the expenses of the Environmental Commission.

§ 3-13. Green Team Advisory Committee. [Added 11-19-2019 by Ord. No. 699]

§ 3-13.1. Established.

There is hereby established a Green Team Advisory Committee to the Mantoloking Borough Council.

§ 3-13.2. Purpose.

The general purpose for the Green Team Advisory Committee includes but is not limited to the following:

- a. Manage the Borough's participation in the Sustainable Jersey program;
- b. Encourage the pursuit of sustainable practices where possible within the Township;
- c. Make Green Team information available to the public;
- d. Work with existing groups within the Township whose actions affect environmental issues;
- e. Provide suggestions for further research and action to the Borough Council;
- f. Solicit and evaluate environmental ideas and suggestions from the community; and

- g. Promote sustainability within the Borough.

§ 3-13.3. Membership; Term.

The Green Team shall consist of the members of the Mantoloking Environmental Commission. Membership on the Green Team shall be concurrent with membership on the Environmental Commission. The Chair of the Mantoloking Environmental Commission may appoint up to five additional members. Said members shall be willing participants from the community at large and shall serve for a period of two years from the date of their appointment.

§ 3-13.4. Duties.

The Green Team may adopt schedule of regular meetings and submit same to the Borough Council; may select volunteers to work on Green Team projects; and may periodically submit reports and minutes to the Borough Council.

§ 3-14. Municipal Emergency Management Council; Coordinator.

Pursuant to N.J.S.A. App. A:9-33 et seq., there shall be a Municipal Emergency Management Council, the members of which shall be appointed by the Mayor. The Municipal Emergency Management Coordinator shall serve as chairperson of the Emergency Management Council.

Chapter 4

MUNICIPAL COURT

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- § 4-1 **The Municipal Court of Mantoloking**
- § 4-2 **Name of the Court**
- § 4-3 **Seal of the Court**
- § 4-4 **Appointment of Judge**
- § 4-5 **Jurisdiction of the Court**
- § 4-6 **Court Administrator and Deputy Court Administrator**
- § 4-7 **Municipal Prosecutor**
- § 4-8 **Municipal Public Defender**
- § 4-9 **Location of Court**

Final Version

§ 4-1. The Municipal Court of Mantoloking.

A Municipal Court for the Borough of Mantoloking is hereby established, as of January 1, 1975, pursuant to the provisions of N.J.S.A. 2B:12-1, *et seq.*

§ 4-2. Name of Court. [Ord. No. 158 § 2]

The name of the Municipal Court shall be the "Municipal Court of Mantoloking, Ocean County, New Jersey."

§ 4-3. Seal of the Court. [Ord. No. 158 § 3]

The Municipal Court shall have a seal which shall bear the impress of the name of the Court.

§ 4-4. Appointment of Judge. [Ord. No. 158 § 4]

There shall be a Judge of the Municipal Court who shall be appointed by the Mayor with the advice and consent of the Borough Council, for a term of three (3) years, in accordance with the provisions of N.J.S.A. 2B:12-4. The Judge shall receive compensation per session as outlined within his/her contract.

§ 4-5. Jurisdiction of the Court. [Ord. No. 158 § 5]

The Municipal Court and the Municipal Judge thereof shall have such jurisdiction as shall be made and provided by Title 2B and amendments thereto, pertaining to Municipal Courts.

§ 4-6. Court Administrator and Deputy Court Administrator. [Ord. No. 158]

There shall be a Court Administrator and Deputy Court Administrator who shall be appointed by the governing body of the Borough of Mantoloking, together with other necessary clerical or other assistants for the Municipal Court and which shall provide therein for their compensation.

§ 4-7. Prosecutor

§ 4-7.1. Position Established.

The position of Prosecutor is hereby established in the Borough of Mantoloking.

§ 4-7.2. Qualifications.

The Prosecutor shall be a duly licensed Attorney-at-Law of the State of New Jersey.

§ 4-7.3. Appointment; Term.

The Prosecutor shall be appointed by the Mayor with the advice and consent of the Borough Council for a term of one (1) year effective January 1 of each year and until December 31 of the same year and until the appointment and qualification of his successor.

§ 4-7.4. Compensation.

The Prosecutor shall be paid an annual salary as provided in the Salary Ordinance.

§ 4-7.5. Duties.

The Prosecutor shall, under the direction of the Mayor and Council, represent the Borough in the Municipal Court of the Borough of Mantoloking. The Prosecutor shall exercise such powers and duties as are assigned to such office by the Statutes of New Jersey and such other authority as may be assigned by the Borough Council.

§ 4-7.6. Special Counsel; Conflict Prosecutor.

In the event the Municipal Prosecutor has a conflict of interest on a given matter, the Borough shall appoint special counsel to serve in the Municipal Prosecutor's stead for any and all conflicting matters. The employment of special counsel shall be on a contractual basis and shall be within the limits of available appropriations, with the approval of the Mayor and subject to approval by the governing body.

§ 4-8. Municipal Public Defender.

§ 4-8.1. Office Established. [Ord. No. 383 § 1]

There is hereby established the Office of Municipal Public Defender for the Municipal Court of the Borough of Mantoloking, Ocean County, New Jersey.

§ 4-8.2. Appointment; Term. [Ord. No. 383 §§ 2—4; New]

The Municipal Public Defender shall be appointed by the Mayor with the advice and consent of the Council. The Municipal Public Defender shall serve for a term of one (1) year commencing upon the organizational meeting of the Borough Council and terminating upon the appointment of a successor (or reappointment) at the next succeeding organizational meeting. The Public Defender shall not be removed during said term except for cause and according to law. If a vacancy occurs during the course of the year, the appointment shall be for the balance of the unexpired year.

§ 4-8.3. Duties of the Municipal Public Defender.

The Public Defender shall represent any individual who, upon determination by the Municipal Judge, is either indigent or financially unable to afford an attorney. The Public Defender works under the Rules and Regulations of the Attorney General's Office.

§ 4-8.4. Compensation.

The Public Defender shall be compensated at the rate of five hundred (\$500.00) dollars for each case assigned to him or to her by the Municipal Judge. The terms and conditions of employment shall be memorialized in a professional services agreement in form satisfactory to Borough Counsel and as ratified by Council.

§ 4-8.5. Application Fee.

The Borough of Mantoloking may require a person applying for representation by the Municipal Public Defender to pay an application fee of not more than two hundred (\$200.00) dollars. The Municipal Court may waive any required application fee, in whole or in part, if the court determines, in its discretion, that the application fee represents an unreasonable burden on the person seeking representation.

§ 4-8.6. Special Counsel; Conflict Defender.

In the event the Municipal Public Defender has a conflict of interest on a given matter, the Borough shall appoint special counsel to serve in the Municipal Public Defender's stead for any and all conflicting matters. The employment of special counsel shall be on a contractual basis and shall be within the limits of available appropriations, with the approval of the Mayor and subject to approval by the governing body.

§ 4-9. Location of Court. [Ord. No. 158]

The Municipal Court shall sit in the Borough Hall of the Borough of Mantoloking, or in such location as set through legally permissible agreement with another municipality or court, upon such dates and at such hours as may be fixed by the Court, consistent with all applicable Statutes and Rules of Court governing the administration thereof.

Final Version

Chapter 5

POLICE DEPARTMENT

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- § 5-1 **Establishment.**
- § 5-2 **Structure of Department.**
- § 5-3 **Administration.**
- § 5-4 **Minimum Requirements; Appointments.**
- § 5-5 **Rules and Regulations.**
- § 5-6 **Appointment, Term of Office.**
- § 5-7 **Duties.**
- § 5-8 **Promotions.**
- § 5-9 **Lieutenant; Duties.**
- § 5-10 **Sergeant; Duties.**
- § 5-11 **Part Time Officers.**
- § 5-12 **Special Law Enforcement Officers.**
- § 5-13 **Decrease of Force for Reasons of Economy.**
- § 5-14 **Civilian Staff.**
- § 5-15 **Office of Emergency Management.**

Article I

§ 5-1. Establishment.

- a. There is hereby created and established in the Borough, a Police Force, which shall be known and designated as "The Police Department of the Borough of Mantoloking in the County of Ocean." The purposes, functions and priorities of the Police Department are to provide, in order of priority: safety, security, service and law enforcement within the Borough of Mantoloking. Members shall have such powers as are provided by law and which are consistent with the purposes and priorities of this section.
- b. The Police Department shall consist of the following positions: Chief of Police, Lieutenant(s), Sergeant(s) of Police and such other officers and members as the Borough Council may hereafter appoint.
- c. The Borough Council of the Borough of Mantoloking shall be the Appropriate Authority to promulgate and/or amend Rules and Regulations of the Police Department of the Borough of Mantoloking and shall serve as Appropriate Authority with respect to the Police Department for any other purpose set forth in the New Jersey Statutes.

§ 5-2. Structure of Department.

The following chain of command shall exist within the Police Department:

- 1) Chief of Police;
- 2) Lieutenant (one maximum);
- 3) Sergeant (two maximum);
- 4) Patrol Officer;
- 5) Part-Time officer (if any);
- 6) Special officer (if any).

The Mayor and Borough Council shall, in their discretion, determine the optimum number of officers and patrol officers to be appointed in the Mantoloking Police Department. A designation of a maximum number of Police Lieutenants, Police Sergeants and other police officers does not require the Mayor and Borough Council to appoint that number of Police Lieutenants, Police Sergeants and other police officers.

§ 5-3. Administration.

The Mayor and a member of the Borough Council appointed by the Mayor shall be the direct liaison between the members of the Department and the governing body. At each regular meeting of the Borough Council, a comprehensive report shall be submitted in such form as may be acceptable to the Council in order that it may be fully advised as to deployment of the force throughout the Borough. The Mayor and the member of the Borough Council appointed by the Mayor shall have access to all records maintained by the Police Department and shall be afforded every opportunity to examine, at any time, the operation of the Police Force or the performance of any officer or member thereof.

§ 5-4. Minimum Requirements; Appointments.

No person shall be appointed to the Police Department who is not qualified in accordance with the New Jersey Statutes and Regulations regarding police officers. At a minimum, all police officers seeking employment from the Mantoloking Police Department must:

- 1) be a citizen of the United States;
- 2) be a resident of the State of New Jersey;
- 3) have a valid New Jersey driver's license;
- 4) possess an Associate's degree or higher level of education;
- 5) be sound in body and of good health sufficient to satisfy the board of trustees of the Police and Firemen's Retirement System of New Jersey as to his eligibility for membership in the retirement system;
- 6) be at least 18 years of age and not over 35 at the completion of the program;
- 7) be fluent and able to read, write and speak the English language; and
- 8) be of good moral character, and have not been convicted of any criminal offense, including those relating to moral turpitude.

Before any appointment is made, the Chief of Police shall ascertain the eligibility and qualification of the applicant and make a report thereon to the designated member of Council or, in their absence, the Mayor. Appointments to the regular Police Force shall be made for a probationary period of one (1) year. Probationary appointments may be revoked at any time during the probationary period by vote of a majority of the Borough Council.

§ 5-5. Rules and Regulations.

The appropriate authority shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department. All employees of the Police Department shall be subject to such rules and regulations and penalties.

Article II (Chief of Police)

§ 5-6. Appointment, Term of Office.

The Borough Council may appoint a Chief of Police who shall be head of the Police Department. The term of office for the Chief of Police shall be per the negotiated contract, but shall not exceed five (5) years, subject, however, to the provision that the first year of the initial term shall be probationary. During the probationary period, the appointment may be rescinded at any time by a majority vote of the Borough Council.

§ 5-7. Duties.

The Chief shall be directly responsible to the Borough Council for the efficiency and routine day-to-day operations of the Department. The Chief shall, pursuant to policies established by the Borough Council:

- 1) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- 2) Have, exercise, and discharge the functions, powers and duties of the force;
- 3) Prescribe the duties and assignments of all subordinates and other personnel;
- 4) Delegate such authority as he/she may deem necessary for the efficient operation of the force to be exercised under his direction and supervision; and
- 5) Report monthly or more frequently and in such form and manner as shall be prescribed by Resolution of the Borough Council on the operation of the Department during the interval since the last preceding report. The Chief shall make such additional reports as may be required by the Borough Council. Regular monthly, written reports shall be filed with the Borough Clerk one (1) week prior to the regular meeting of the Borough Council.

All proposed expenditures of funds allocated to or for Police purposes shall be submitted to the Borough Council for approval prior to incurring any legal obligation to purchase or acquire any material or to pay for any service.

Article III (Lieutenant, Sergeant, Part-Time, and Special Officers)

§ 5-8. Promotions.

The Chief of Police shall promulgate a “Promotion Policy” to all officers, which shall provide all eligible candidates for promotion with fair notice and equal access to the promotional process. Additionally, the Chief shall strive to identify the most qualified members of the police department for promotion to leadership positions within the department and to set forth the components of the promotional process that will be utilized by the Chief of Police in carrying out the process. Any promotion must be approved by the Borough Council and Mayor.

§ 5-9. Lieutenant; Duties.

The office of Lieutenant is hereby established for the Borough of Mantoloking. The duties of said office shall be to be an assistant to the Chief of Police and to perform as the active executive officer of the Police Department of this Borough during the absence or inability of the Chief of Police to perform his/her respective duties, and to perform such duties as are assigned by a superior officer.

§ 5-10. Sergeant; Duties.

Sergeants, regular members of the Police Department, including such Officers presently holding the rank of Sergeant as of the date of the adoption of this section, together with such additional Sergeants as may be appointed by the Borough Council, shall, in addition to regular patrol duty, aid and assist superior officers in the execution of their duties and may, in the absence, suspension or disability of the Chief or the Lieutenant and upon specific designation by the Borough Council, serve as Acting Chief or Acting Lieutenant.

§ 5-11. Part Time Officers.

- a. The Borough Council, in its sole discretion, may appoint Part-Time Officers for terms not exceeding one (1) year and revoke such appointments without cause or hearing. Their power and duties shall cease at the expiration of the terms for which they were appointed or upon revocation of their appointment.
- b. No person shall be appointed as a Part-Time Officer unless he/she meets all requirements of the respective New Jersey statutes and regulations, and:
 1. Is a citizen of the United States;
 2. Is able to read, write and speak the English language well and intelligently;
 3. Is sound in body and of good health;
 4. Is of good moral character; and
 5. Has not been convicted of any criminal offense involving moral turpitude.
- c. Before any appointment is made, the Chief of Police shall ascertain the eligibility and qualification of the applicant and make a report thereon to the designated member of Council or, in their absence, the Mayor.

§ 5-12. Special Law Enforcement Officers.

- a. The Borough Council, in its sole discretion, may appoint Special Law Enforcement Officers for terms not exceeding one (1) year and revoke such appointments without cause or hearing. They shall not be members of the Police Force and their power and duties shall cease at the expiration of the terms for which they were appointed or upon revocation of their appointment.
- b. No person shall be appointed as a Special Law Enforcement Officer unless he/she meets all requirements of the respective New Jersey statutes and regulations, and:
 1. Is a citizen of the United States;
 2. Is able to read, write and speak the English language well and intelligently;
 3. Is sound in body and of good health;
 4. Is of good moral character; and
 5. Has not been convicted of any criminal offense involving moral turpitude.
- c. No Special Law Enforcement Officer shall carry a duty weapon or other similar weapon when off duty and further shall not carry a duty weapon or similar weapon while on duty unless fully qualified, in the opinion of the Chief of Police, to do so and unless his duties as a Special Law Enforcement Officer require such equipment.
- d. Every Special Law Enforcement Officer shall have his fingerprints taken and they shall be filed with the Division of State Police and the Federal Bureau of Investigation. He shall be under the supervision and direction of the Chief of Police and shall perform his duties only in this Borough unless in fresh pursuit of any person. He shall comply with the rules and regulations applicable to the duties and conduct of the regular Police Officers of the Borough of Mantoloking.
- e. Before any appointment is made, the Chief of Police shall ascertain the eligibility and qualification of the applicant and make a report thereon to the designated member of Council or, in their absence, the Mayor.
- f. In emergency situations Special Law Enforcement Officers may be appointed by the Chief of Police or, in his absence, by the Mayor or by the designated Councilmember, which appointment shall not extend beyond the date of the next meeting of the Borough Council unless ordered by the Council. The Chief may submit a list of persons deemed qualified to serve as Special Law Enforcement Officers. All persons so named may thereafter be called to duty by the Chief without action of the Council.

§ 5-13. Decrease of Force for Reasons of Economy.

The Borough Council, if it shall deem it necessary for reasons of economy, may decrease the number of Members or Officers of the Police Department. When service of Members or Officers are terminated for economy, such termination will be in the inverse order of their appointments. Any Member or Officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to his original rank and in the case of termination of service and new appointment, prior consideration shall be given to the persons on

the special employment list.

Article IV

§ 5-14. Civilian Staff.

The Chief of Police, with the advice and consent of the Borough's governing body, may appoint Civilian Staff, including, but not limited to, an Executive Confidential Administrative Assistant and Records Clerk, to assist the Police Department. These staff members shall assist the Police Department in relation to ministerial work and other such required duties as determined by the Chief of Police.

§ 5-15. Office of Emergency Management.

The Office of Emergency Management ("OEM") is hereby established.

The members shall be appointed by the Mayor, with the advice and consent of Council. The OEM shall have such functions, powers and duties as may be prescribed by general law, executive order, ordinance or resolution. The OEM shall consist of the following positions:

- OEM Coordinator;
- OEM Deputy Coordinator;
- OEM Operations Chief;
- OEM Operations Deputy Chief;
- OEM Secretary; and
- OEM Communications.

The OEM is responsible for coordinating the response to all large scale emergencies, maintaining the Borough's Emergency Management plan, and providing resources to all Borough Departments during emergencies or in times of crisis.

Chapter 6

ANIMALS; LICENSING

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- §6-1 Dog Inoculation Required; Exemptions
- §6-2 Dog Annual Inoculation
- §6-3 Dog License Requirements
- §6-4 Disposal of Dog Solid Waste
- §6-5 Violations and Penalties

§ 6-1. DOG INOCULATION REQUIRED; EXEMPTIONS.

No person shall own, harbor or keep any dog within the municipal limits of the Borough of Mantoloking which is not inoculated against rabies; provided, however, that dogs which have not attained the age of six months shall not be required to be inoculated.

§ 6-2. DOG ANNUAL INOCULATION.

The inoculation against rabies shall be performed each year and shall be performed prior to the procurement of the dog license required by ordinance of the Borough of Mantoloking, or evidence shall be presented at the time of procurement of the dog license by the dog owner that a three-year inoculation has been performed and that the inoculation has not expired.

Final Version

§ 6-3. DOG LICENSING REQUIREMENTS.

- a. License Number Displayed. Any person who owns, keeps or harbors a dog of licensing age shall annually apply for and procure from the licensing authority through the Borough Clerk, upon payment of the prescribed fee, a license and official registration tag with license number for each dog so owned, kept or harbored and shall place upon such dog a collar or other device with the license number securely fastened or displayed. Acceptable methods of displaying a license number shall include, but are not limited to, breakaway or elastic collars. License tags are not transferable.
- b. Time for Applying for License.
 1. The owner of any dog in the Borough shall make application for a license or renewal thereof between January 1 and January 31 of each year. Only one license and registration tag shall be required in the licensing year for any dog in the Borough of Mantoloking.
 2. In the case of dogs that become licensing age after January 31 but before December 31 of the same year, the owner shall make application for a license tag for such dog within 10 days after acquisition of age attainment. If a dog becomes licensing age during the month of January, the owner need only make application for a license tag for such dog prior to January 31 for the new licensing year.
- c. Dogs Brought into Jurisdiction.
 1. Any person who brings into or causes to be brought into the Borough any dog currently licensed in another municipality in this State or any other state through, at least, December 31 of the current licensing year and providing evidence to the licensing authority through the Borough Clerk of the registration tag shall be permitted to keep said dog within the Borough through the current licensing year ending December 31 so long as said dog is vaccinated against rabies through November 30.
 2. Any person who brings into or causes to be brought into the Borough any unlicensed dog, shall not be permitted to keep the same within the Borough for a period of more than 10 days unless such person shall have applied for a license and registration tag for each such dog within that time period.
- d. Application, Contents, Preservation of Information. The application for a dog license or renewal thereof shall state the breed, sex, age, color and markings of the dog, also the name, street and post office address of the owner and the person who shall keep or harbor such dog. The information on said application and the registration number issued for the dog shall be preserved for a period of three years by the licensing authority.
- e. License Forms and Tags. License forms and official tags shall be furnished by the licensing authority through the Borough Clerk and shall be numbered serially, and shall bear the year of issuance and the name of the municipality.
- f. Evidence of Inoculation. The licensing authority shall not grant a license and official registration tag for any dog unless the owner provides a vaccination certificate or the dog has been certified exempt under one of the permissible statutory exemptions. The rabies inoculation shall be administered by a duly licensed veterinarian permitted by law to do it.
- g. License Fee Schedule. The person applying for the license and registration tag shall pay the following fees: four (\$4.00) dollars for license; one (\$1.00) dollar for a registration tag;

and twenty (\$.20) cents Pilot Clinic Fund additional fee per dog. For each annual renewal, the fee for the license and registration tag shall be the same as for the original license and tag. The licenses and registration tags, and renewals thereof, shall expire on January 31st in each year. If application shall not be made within the time limited by subsection 5-2.1 or by law, there shall also be a late charge of one (\$1.00) dollar for each month or fraction of a month which shall have elapsed between the time so limited and the making of the application. In addition to the fees for licensing and registration, any person applying for a license and registration tag shall pay an additional fee of three (\$3.00) dollars for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization. This fee shall be forwarded to the State Treasurer for deposit in the Animal Population Control Fund.

- h. Fees, Renewals; Expiration Date of License; Exemptions. The fee for the renewal of license and registration tag shall be the same as for an original license. Each original license and registration tag and renewal thereof shall expire on the 31st day of January, in the following year. The Borough may waive any and all fees for dogs that have been duly licensed to assist individuals with significant or total eyesight loss.
- i. Loss of License. If a license tag is misplaced or lost, the licensing authority through the Borough Clerk may issue a duplicate license and/or registration tag for that particular at a fee of \$5.
- j. Proof of License. Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a dog, upon request of any health official, police officer, animal control officer or other authorized person. Anyone that utilizes a false identification or license shall be fined in accordance with Section 6-5 of this Chapter.
- k. Interfering with Persons. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duties under this Article.

§ 6-4. DISPOSAL OF DOG SOLID WASTE.

§ 6-4.1 Definitions. [Ord. No. 503 § II]

As used in this section:

- IMMEDIATE Shall mean that the pet solid waste is removed at once, without delay.
- OWNER/KEEPER Shall mean any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- PERSON Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- PET Shall mean a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- PET SOLID WASTE Shall mean waste matter expelled from the bowels of the pet; excrement.
- PROPER DISPOSAL Shall mean placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for treatment and disposal.

§ 6-4.2 Requirement for Disposal. [Ord. No. 503 § III]

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§6-4.3 Exemptions. [Ord. No. 503 § IV]

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

§ 6-4.4 Enforcement. [Ord. No. 503 § V]

This section shall be enforced by the Police Department of the Borough of Mantoloking.

§ 6-5. Violations and penalties.

Where no other penalty is established by law or elsewhere within this chapter, any person who violates any portion of this Article shall, upon conviction, be fined not less than \$50 for each offense, except that if a person is merely delinquent in licensing said dog, such person shall pay a fine of \$2 per month to a maximum of \$10. Each day the violation continues shall constitute a separate and distinct offense.

Final Version

Chapter 7

TRAFFIC

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- § 7-39 **Handicapped parking.**
- § 7-40 **Control for the movement and the parking of traffic on public property**

Final Version

§ 7-1. Definitions.

This ordinance hereby adopts the definitions utilized in Title 39 of the New Jersey Statutes. Any and all future revisions, if any, to the above-referenced definitions shall be incorporated automatically to this ordinance.

Final Version

§ 7-2. Authorization for the closing of any street.

- A. The Chief of Police or, in his/her absence, disability or inability to act, the ranking member of the Police Department, is hereby authorized to provide for the closing of any street or portion thereof to motor vehicle traffic on any day or days during specified hours on any day or days whenever he/she finds that such closing is necessary for the preservation of the public safety, health or welfare.
- B. The public shall be notified of any such closing on any street or portion thereof by the posting of a notice during the time the same is closed in pursuance thereof.
- C. The penalty for violation of any temporary street closure effectuated pursuant to this section shall be a fine not to exceed five hundred (\$500.00) dollars per violation.
- D. The closing of any street for a period greater than forty-eight (48) consecutive hours shall not become effective unless and until it has been submitted to, and approved by, the Police Chief.

§ 7-3. Tow-away.

Any vehicle parked in violation of this chapter shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any Police Officer may provide for the removal of that vehicle. The owner shall bear the reasonable costs of removal and storage which may result from such removal before regaining possession of the vehicle.

Final Version

§ 7-4. Penalties.

Unless another penalty is expressly provided by New Jersey Statute or in this chapter, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty of not more than fifty (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

§ 7-5 {RESERVED}

§ 7-6 {RESERVED}

Final Version

§ 7-7. Traffic controls for street and highway construction and maintenance operations.

§ 7-7.1. Controls Established for Construction Zone.

The Borough of Mantoloking, in the County of Ocean, State of New Jersey, does hereby adopt the current Manual on Uniform Traffic Control Devices hereafter known as M.U.T.C.D., except as hereby supplemented and amended, as it controls and regulates whenever construction maintenance operations of utility work obstructs the normal flow of traffic. Any person, contractor or utility who fails to comply with the provisions of M.U.T.C.D. while performing such work is in violation of this section.

§ 7-7.2. Pre-Construction Meetings.

It shall be the responsibility of the person, contractor, or in the case of a public utility as required under a public utility agreement, wishing to conduct work on, under or above the roadway, to contact the Police Department in order to arrange a pre-construction meeting in order to submit plans for the safe movement of traffic during such period of construction work. Any person, contractor or utility who fails to comply with this section prior to the start of such work or whose plans are not approved by the Police Department is in violation of this section.

§ 7-7.3. Emergency Contact Telephone Numbers.

The person, contractor, or utility wishing to conduct work on, under or above the roadway, shall provide the Police Department with at least two (2) emergency contact phone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. If for any reason emergency contact cannot be reached, or if the emergency contact person does not respond to the call from the Police Department to correct a hazardous condition, the Borough may respond to correct such hazardous condition. The reasonable fees for such emergency service by the Borough shall be charged to the person, contractor, or utility for such condition.

§ 7-7.4. Hours.

There shall be no construction, maintenance operations, or utility work on any roadway in the Borough before the hour of 9:00 a.m. or after 4:00 p.m. This time limit may be adjusted to permit work prior to 9:00 a.m. or after 4:00 p.m. by the Officer in charge of the Police Department. If it is determined by the Officer in charge that the construction or maintenance operations prior to 9:00 a.m. or after 4:00 p.m. would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 9:00 a.m. and 4:00 p.m.

§ 7-7.5. Road Closing and Detours.

Road closing and/or traffic detours shall not be permitted unless approved by the Police Department.

§ 7-7.6. Traffic Directors.

Traffic directors shall be posted at all construction or maintenance sites when determined by the Police Department that same is necessary to provide for the safety and expeditious movement of traffic.

§ 7-7.7. Stop Work.

The Police Department shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, back filling of open excavations and/or other related work, in order to abate any nuisance and/or safety hazard or for any violation of this section.

§ 7-7.8. Site Preparation.

No materials, vehicle or equipment are to be placed in the roadway or sidewalk until all construction signs, lights, devices and pavement markings are installed.

§ 7-7.9. Violations and Penalties.

Any person, contractor or utility who commits a violation of this section shall, upon conviction thereof for a first offense, pay a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars and/or be imprisoned in the for a term not exceeding ninety (90) days. For a second offense, the person, contractor or utility shall, upon conviction thereof, pay a fine of not less than two hundred fifty (\$250.00) dollars and/or be imprisoned in the for a term not exceeding ninety (90) days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 7-7.10. Approval by Commissioner of Transportation or Ocean County Engineer.

Parking restrictions or speed limits in the County Highway (Herbert Street) and the State Highway (Route 35, also known as Ocean Avenue) are set by the County of Ocean and the NJDOT, respectively, and will be enforced by either Borough Police, the County or NJDOT Agents. This section shall take effect after approval by the Commissioner of Transportation twenty (20) days after passage and publication as prescribed by law.

§ 7-8. Parking; Emergency Prohibition.

- a. Upon declaration of an emergency, by the Mayor or Chief of Police, or his or her ranking subordinate, vehicular parking on public streets shall be prohibited wherever so designated by "Emergency - No Parking" signs (or tapes). The Emergency Management Officer, may declare a condition of emergency whenever weather conditions, accidents, road construction, fire, public celebrations or other conditions are present which may present public hazard and which will be ameliorated by prohibition of parking during the emergency. Vehicles parked prior to the declaration of emergency and posting shall not be deemed to be violative of this section unless, after notification, the owner thereof shall fail to remove the vehicle from the controlled area. Notification that "Emergency - No Parking" signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.
- b. Any unoccupied vehicle parked or standing in violation of this subsection shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any Police Officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal, before regaining possession of the vehicle.

§ 7-8.1. Temporary Parking Prohibition for Snow Plowing and Removal.

- a. No person shall park or leave any parked vehicle on a public street at any time when accumulated snow shall be of sufficient depth to warrant plowing of the streets, as determined by the Borough Superintendent or the Chief of Police or his ranking subordinate. This prohibition shall be continuous until such time that the snow plowing operations, for the storm event, shall be completed and the available travel way will readily accommodate normal traffic and emergency vehicles.
- b. Any vehicle parked in violation of Section 7-6 may, at the discretion of the Mayor or a member of the Police Department, be removed at the cost and risk of the owner. Any and all costs of removal shall be paid by the owner as a condition of recovery of possession of the vehicle.
- c. The effectiveness of this subsection is contingent upon signs being erected as required by law.
- d. Unless other penalty is expressly provided by New Jersey Statute, every person convicted of a violation of this subsection or any supplement thereto, shall be liable to a penalty of not more than fifty (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.
- e.

Name of Street	Sides	Location
All Municipal Streets	Both	Entire length

§ 7-9 {RESERVED}

§ 7-10 {RESERVED}

§ 7-11 {RESERVED}

§ 7-12. Parking time limited on certain streets.

No person shall park a vehicle for longer than the time limit between the hours listed on any day upon any of the streets or parts of streets described in this section. At the conclusion of the time limit, the vehicle must be relocated to an alternate allowable parking area in the Borough. The vehicle is allowed to be moved to another location on the same street if within permissible time restrictions. Should a street or a portion of the street, as described in the Location column of the following chart, be designated as No Parking or Unrestricted, this parameter shall override the above and be enforced.

Name of Street		Sides	Time Limit	Hours	Location
Name of Street	Sides	Time Limit	Hours	Location	
Albertson Street	North	No Parking	N/A	Entire length	
Albertson Street	South	4 hours	Between 9:00 a.m. and 5:00 p.m.	Between Runyon Lane and the westerly street end; between points that are 50 feet from the westerly end of Albertson Street and 50 feet west from the intersection with Runyan Lane	
Albertson Street	South	No Parking	N/A	Between Runyon Lane and the westerly street end; from a point beginning 50 feet from the westerly end of Albertson Street to the westerly end of the street, a point beginning 50 feet west from the intersection with Runyan Lane to the intersection with Runyan Lane	
Albertson Street	South	No Parking	N/A	Between Route N.J. 35 (Ocean Avenue) and Runyon Lane	
Arnold Street	North	No Parking	N/A	Entire length	
Arnold Street	South	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length, except 10 feet from Bay Avenue	
Arnold Street	South	No Parking	N/A	From a point beginning 50 feet from the westerly end of Arnold Street to the westerly end of the street; and 10 feet from Bay Avenue	
Barnegat Lane	Both	No Parking	N/A	Entire length	

Name of Street		Sides	Time Limit	Hours	Location
Name of Street	Sides	Time Limit	Hours	Location	
Bay Avenue	West	4 hours	Between 9:00 a.m. and 5:00 p.m.	Between Princeton Avenue and Arnold Street, except 10 feet South of Arnold Avenue	
Bay Avenue	East	No Parking	N/A	Between Princeton Avenue and Arnold Street	
Bay Avenue	West	4 hours	Between 9:00 a.m. and 5:00 p.m.	Between Arnold Street and Downer Avenue	
Bay Avenue	East	No Parking	N/A	Between Arnold Street and Downer Avenue	
Bay Avenue	Both	4 hours	Between 9:00 a.m. and 5:00 p.m.	Between Downer Avenue and Herbert Street	
Bergen Avenue	Both	No Parking	N/A	Between Route N.J. 35 (Ocean Avenue) and Barnegat Lane	
Bergen Avenue	North	4 hours	Between 9:00 a.m. and 5:00 p.m.	Between Barnegat Lane and Lagoon Lane	
Bergen Avenue	South	No Parking	N/A	Between Barnegat Lane and Lagoon Lane	
Carpenter Lane (east-west orientation)	North	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length - Between Route N.J. 35 (Ocean Avenue) and a point approximately 210 feet west from Route 35 (Ocean Avenue)	
Carpenter Lane (east-west orientation)	South	No Parking	N/A	Entire length - Between Route N.J. 35 (Ocean Avenue) and a point approximately 210 feet west from Route 35 (Ocean Avenue)	

Name of Street		Sides	Time Limit	Hours	Location
Name of Street	Sides	Time Limit	Hours	Location	
Carpenter Lane (north-south orientation)	Both	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length	
Carrigan Place	North	No Parking	N/A	Entire length	
Carrigan Place	South	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length	
Chafey Place	North	No Parking	N/A	Entire length	
Chafey Place	South	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length	
Channel Lane	North	No Parking	N/A	Entire length	
Channel Lane	South	4 hours	Between 9:00 a.m. and 5:00 p.m.	From the easterly limit of the cul-de-sac to a point approximately 265 feet west from the westerly curb line of Lagoon Lane	
Channel Lane	South	No Parking	N/A	From a point approximately 265 feet west from the westerly curb line of Lagoon Lane to Lagoon Lane	
Channel Lane (cul-de-sac)	Both	No Parking	N/A	Entire cul-de-sac, from the westerly end to a point 50 feet easterly	
Downer Avenue*	Both	4 hours	Between 9:00 a.m. and 5:00 p.m.	East of Route N.J. 35 (Ocean Avenue)	
Downer Avenue	Both	No Parking	Between 9:00 p.m. and 5:00 a.m.	East of Route N.J. 35 (Ocean Avenue)	

Name of Street		Sides	Time Limit	Hours	Location
Name of Street	Sides	Time Limit	Hours	Location	
Downer Avenue*	North	4 hours	Between 9:00 a.m. and 5:00 p.m.	Between the westerly curb line of Route N.J. 35 (Ocean Avenue) and the firehouse	
Downer Avenue	North	No Parking	Between 2:00 a.m. and 6:00 a.m.	West of Bay Avenue	
Downer Avenue	South	No Parking	N/A	West of Bay Avenue	
East Avenue	East	No Parking	N/A	Entire length	
East Avenue	West	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length	
Lyman Street	Both	No Parking	N/A	West of intersection with Barnegat Lane to and including westerly street end	
Lyman Street	Both	No Parking	N/A	Between Route N.J. 35 (Ocean Avenue) and Barnegat Lane	
Lyman Street* [Amended 4-21-2020 by Ord. No. 703; 6-7-2021 by Ord. No. 724]	South	Unrestricted	N/A	East of Route N.J. 35 (Ocean Avenue); the entire length	
Lyman Street* [Added 4-21-2020 by Ord. No. 703; amended 6-7-	North	No Parking	N/A	Entire Length	

Name of Street		Sides	Time Limit	Hours	Location
Name of Street	Sides	Time Limit	Hours	Location	
2021 by Ord. No. 724]					
Lyman Street [Added 6-7-2021 by Ord. No. 724]	North	10 Minute (Designated spots only)	Between 10:00 a.m. - 6:00 p.m., 3rd Saturday in June through Labor Day	West of East Avenue	
Mathis Place	North	No Parking	N/A	Entire length	
Mathis Place	South	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length	
Newman Place	North	No Parking	N/A	Entire length	
Newman Place	South	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length	
North Lagoon Lane	West	No Parking	N/A	Entire length	
North Lagoon Lane*	East	Unrestricted	N/A	Entire length	
North Lagoon Lane	North	No Parking	N/A	Northerly street end (drafting station area)	
Old Bridge Street*	Both	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length	
Princeton Avenue*	Both	4 hours	Between 9:00 a.m. and	East of Route N.J. 35 (Ocean Avenue)	

Name of Street		Sides	Time Limit	Hours	Location
Name of Street	Sides	Time Limit	Hours	Location	
			5:00 p.m.		
Princeton Avenue	Both	No Parking	Between 9:00 p.m. and 5:00 a.m.	East of Route N.J. 35 (Ocean Avenue)	
Princeton Avenue	North	No Parking	N/A	West of Route N.J. 35 (Ocean Avenue) to westerly end	
Princeton Avenue*	South	4 hours	Between 9:00 a.m. and 5:00 p.m.	West of Route N.J. 35 (Ocean Avenue) to westerly end	
Runyon Lane	West	No Parking	N/A	Entire length	
Runyon Lane	East	No Parking	Between 14:00 p.m. and 6:00 a.m.	Entire length	
Runyon Lane*	East	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length	
Runyon Lane (including cul-de-sac)	Both	No Parking	N/A	From the southerly end to a point 145 feet northerly	
South Lagoon Lane	West	No Parking	N/A	Entire length	
South Lagoon Lane	East	No Parking	N/A	Drafting station area along fence on east side, south end	
South Lagoon Lane*	East	Unrestricted	N/A	Entire length	
Stephens Place	North	No Parking	N/A	Entire length	
Stephens Places	South	4 hours	Between 9:00 a.m. and	Entire length	

Name of Street		Sides	Time Limit	Hours	Location
Name of Street	Sides	Time Limit	Hours	Location	
			5:00 p.m.		
Williams Place	North	No Parking	N/A	Entire length	
Williams Place	South	4 hours	Between 9:00 a.m. and 5:00 p.m.	Entire length	

Note 1 - In addition to the restrictions above, parking on streets designated by "*" is prohibited on both sides of the street from a point 50 feet distant from either end of the street to the street end.

Note 2 - No person shall park a vehicle at any time upon any streets or parts thereof where curbing is painted yellow per the direction and approval of the Police Department.

Note 3 - No person shall park a vehicle at any time within 10 feet of either side of a crosswalk or fire hydrant that has been properly designated or easily identified.

§ 7-12.1. Parking Within Lines Required.

It shall be unlawful to park any vehicle across any line or marking designating a parking space, or to park said vehicle in any way that the same shall not be wholly within a parking space as designated by said markings.

§ 7-13. Parking of certain trucks, vehicles, and trailers prohibited.

The parking of buses, campers, mobile homes, recreational vehicles, pop-up campers, and boat trailers shall be prohibited at all times on all Borough streets. This prohibition shall not apply to home improvement contractor or landscaper trailers.

- § 7-14 {RESERVED}
- § 7-15 {RESERVED}
- § 7-16 {RESERVED}
- § 7-17 {RESERVED}
- § 7-18 {RESERVED}
- § 7-19 {RESERVED}
- § 7-20 {RESERVED}
- § 7-21 {RESERVED}
- § 7-22 {RESERVED}
- § 7-23 {RESERVED}

Final Ver.

§ 7-24. One-way streets.

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated. Parking on these streets will be permitted on the sides indicated in Section 7-12.

Name of Street	Direction	Limits
Arnold Street	Westbound	Entire length
Bay Avenue	Northbound	Between Princeton Avenue and Downer Avenue
East Avenue	Southbound	Entire length

Final Version

§ 7-25. Through streets.

Pursuant to the provisions of N.J.S.A. 39:4-140, the streets or parts of streets described are hereby designated as Through Streets. Stop signs shall be installed on the near-right side of each street intersecting the Through Street except where Yield signs are provided for in the designation.

Name of Street	Limits
Herbert Street (CR #528)	Between the westerly line of Route N.J. 35 (Ocean Avenue) and the easterly line of Barnegat Bay
NJ Route 35	Entire Length

Final Version

§ 7-26. Stop intersections.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

Intersection	Stop sign(s) on
Barnegat Lane and Lyman Street	Lyman Street
Bergen Avenue and Barnegat Lane	Barnegat Lane
Bergen Avenue and North Lagoon Lane	North Lagoon Lane
Bergen Avenue and South Lagoon Lane	South Lagoon Lane
Downer Avenue and Bay Avenue	Bay Avenue
East Avenue and Carrigan Place	Carrigan Place
East Avenue and Chafey Place	Chafey Place
East Avenue and Mathis Place	Mathis Place
East Avenue and Newman Place	Newman Place
East Avenue and Stephens Place	Stephens Place
East Avenue and Stephens Place	East Avenue
East Avenue and Williams Place [Ord. No. 2013-631]	East Avenue
East Avenue and Williams Place	Williams Place
Lagoon Lane and Channel Lane	Channel Lane
Lyman Street and East Avenue	East Avenue
Mathis Place and East Avenue	East Avenue

§ 7-27. Multi-way stop intersections.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections herein described are designated as Multi-Way Stop Intersections. Stop signs shall be installed as provided herein.

Intersection	Stop Signs On
Bay Avenue and Downer Avenue Bergen Avenue and Barnegat Lane Lyman Street and Barnegat Lane	Bay Avenue and Downer Avenue Bergen Avenue and Barnegat Lane Lyman Street and Barnegat Lane

§ 7-28 **{RESERVED}**



§ 7-29. Turn prohibitions.

No person shall make a turn at any location listed except in the manner described below.

Intersection	Turn Prohibited	Movement Prohibited
Bay Avenue and Herbert Street (CR #528)	Left turn	From Northbound on Bay Avenue to westbound on Herbert Street (CR #528)
Bay Avenue and Herbert Street (CR #528)	Right turn	From Eastbound on Herbert Street (CR #528) to southbound onto Bay Avenue

- § 7-30 {RESERVED}
- § 7-31 {RESERVED}
- § 7-32 {RESERVED}
- § 7-33 {RESERVED}
- § 7-34 {RESERVED}

§ 7-35. Speed limits.

Speed limits shall be established as follows: Regulatory and warning signs, conforming to the current Manual on Uniform Traffic Control Devices for Streets and Highways, shall be erected and maintained to effect the designated speed limit(s), as required by the Commissioner of Transportation of the State of New Jersey and as specified and authorized in writing from the Bureau of Traffic Engineering of the Department of Transportation.

Name of Street	Speed Limit (mph)
All streets and roadways in the Borough of Mantoloking except N.J. Route 35	25
Route 35	As approved by the New Jersey Department of Transportation (NJDOT)
Herbert Street (County Route No. 528)	As approved by the Ocean County Engineer and NJDOT

§ 7-36 {RESERVED}

§ 7-37 {RESERVED}

§ 7-38 {RESERVED}

§ 7-39. Handicapped parking.

§ 7-39.1. Handicapped Parking on Streets.

In accordance with the provisions of N.J.S.A. 39:4-197, the following street locations are designated as handicapped parking places. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

Street	Number of Spaces	Location
Downer Avenue	Four spaces	(1) and (2): Two spaces on Easterly end; opposite sides of street. (3) Between Rt. 35 and Bay Avenue on north side – in front of Municipal building. (4) Westerly end on the north side.
Lyman Street	One space	Easterly end on the south side
Princeton Avenue	One space	Easterly end on the south side

§ 7-40 **{RESERVED}**

Chapter 8

PEACE AND GOOD ORDER

Table of Contents

- §8-1 Possession and use of alcoholic beverages.
- §8-2 Possession and consumption by minors.
- §8-3 Urinating or defecating in public.
- §8-4 Noise.
- §8-5 Miscellaneous Offenses.
- §8-6 Violations and Penalties.

§ 8-1. Possession and use of alcoholic beverages.

§ 8-1.1. Definitions.

For the purpose of this section, a container shall be regarded as "unsealed" when:

- a. The lid, top, or cork has been removed;
- b. Any of its contents have been removed; or
- c. The government tax stamp or seal has been removed or broken.

§ 8-1.2. Alcohol Prohibition in Certain Areas; No Retail or Distribution.

No person shall drink, imbibe or consume any alcoholic beverage in or upon a public street, lane, roadway, avenue, sidewalk, public parking place, park, playground, recreation area or any other public or quasi-public place, or in a public conveyance or private motor vehicle while the same is in motion or parked in any public street, lane, public parking lot or public or quasi-public place, or on any private property not his own without the express permission of the owner or other person having authority to grant such permission. No person shall have in his possession or possess any alcoholic beverage in an unsealed container, on or upon any public street, road, alley, sidewalk, park, playground or in, on or upon any land or building owned or occupied by the Borough government.

No plenary retail consumption, seasonal retail consumption, plenary retail distribution, limited retail distribution, club license, or any other license the granting of which shall be subject to the control of this municipality, shall be granted within or by the Borough of Mantoloking.

§ 8-2. Possession and consumption by minors.

§ 8-2.1. Definitions. [Added 5-18-2021 by Ord. No. 723]

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

- a. CANNABIS ITEM — Any item available for lawful consumption pursuant to the NJ Cannabis regulatory enforcement assistance and marketplace modernization act.
- b. GUARDIAN — A person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.
- c. RELATIVE — The underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

§ 8-2.2. Consumption of Alcoholic Beverages by Underage Person on Private Property Prohibited. [Added 5-18-2021 by Ord. No. 723]

It is unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage or a cannabis item, other than by smoking, vaping or aerosolizing, on private property.

§ 8-2.3. Violations and Penalties. [Added 5-18-2021 by Ord. No. 723]

- a. Any person found guilty of violating the terms of this section involving alcoholic beverage activity shall, in the case of an adult under the legal age to purchase an alcoholic beverage, be subject to a fine of \$250 for a first offense and a fine of \$350 for any subsequent offense.
- b. For a violation involving cannabis activity, in the case of an adult under the legal age to purchase cannabis items, shall be punished as follows:
 1. If the cannabis item possessed is an amount which may be lawfully possessed by a person of the legal age to purchase cannabis items:
 - (a) For a first offense: a civil penalty of \$100.
 - (b) For a second offense: a civil penalty of \$200.
 - (c) For a third or subsequent offense: a fine of \$350.
 2. If the cannabis item possessed is an amount that exceeds what may be lawfully possessed by a person of the legal age to purchase cannabis items:
 - (a) For a first offense: a fine of \$250.
 - (b) For a second or subsequent offense: a fine of \$350.
- c. In addition, the Court may, upon a finding of guilt, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privileges of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the Court shall forward a report to the New Jersey Motor Vehicle Commission stating the first and last day of the suspension or postponement period imposed by the Court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of

the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years. If the defendant at the time of the imposition of the sentence has a valid driver's license issued by this state, the court shall immediately collect the license and forward it to the Commission along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the Court.

- d. The Court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. The defendant shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of the written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.
- e. If the person convicted under this section is not a New Jersey resident, the Court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit to the Motor Vehicle Commission the required report. The Court shall not collect the license of a nonresident convicted under this section. Upon receipt of a report by the Court, the Motor Vehicle Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

§ 8-2.4. Exceptions. [Added 5-18-2021 by Ord. No. 723]

- a. This section shall not prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.
- b. This section shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who was licensed under Title 33 of the revised statutes or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however, this article shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

§ 8-2.5. Underage Possession or Consumption; Exemption From Prosecution. [Added 5-18-2021 by Ord. No. 723]

- a. An underage person and one or two other persons, if applicable, shall be immune from prosecution under this chapter prohibiting any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage or cannabis item on private property if:
 - 1. One of the underage persons called 911 and reported that another underage person

was in need of medical assistance due to alcohol consumption or the consumption of a cannabis item;

2. The underage person who called 911 and, if applicable, one or two other persons acting in concert with the underage person who called 911 provided each of their names to the 911 operator;
 3. The underage person was the first person to make the 911 report; and
 4. The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 911 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.
- b. The underage person who received medical assistance as provided in paragraph a above shall also be immune from prosecution under this section prohibiting the possession or consumption of an alcoholic beverage or cannabis on private property.

Final Version

§ 8-3. Urinating or defecating in public.

No person shall urinate or defecate in any public street, sidewalk or public or quasi-public place not provided for such purpose.

Final Version

§ 8-4. Noise.

§ 8-4.1. General Prohibitions.

It shall be unlawful for any person to make, continue or cause to be made or continued any unreasonably loud, unnecessary or unusual noise which either unreasonably disturbs or endangers the comfort, repose, health, peace or safety of others within the limits of the Borough.

§ 8-4.2. Specific Prohibitions.

The following acts are hereby declared to be examples of unlawful noise disturbances, *i.e.* noises that annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others and are in violation of this article:

1. Horns. The sounding of any horn or signaling device on any motor vehicle on any public right-of-way, except as a danger warning signal or as provided in the vehicle code of the State of New Jersey, N.J.S.A. 39:1 et seq.

2. Radios, Television Sets and Similar Devices. (a) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other device for the production or reproduction of sound, in such a manner as to cause a noise disturbance; or (b) Operating any such device between the hours of 10:00 p.m. and 8:00 a.m. the following day in such a manner as to be plainly audible across real property boundaries or through partitions common to two (2) parties within a building or plainly audible at fifty (50) feet from such device when operated within a motor vehicle parked on a public right-of-way or on a public space, or within a motorboat.

3. Exterior or Interior Loudspeakers. Using or operating any mechanical device or loudspeaker in a fixed or movable position interior or exterior to any building, or mounted upon any aircraft, motor vehicle or motorboat such that the sound therefrom is plainly audible at or beyond the property boundary of the source, or on a public way between the hours of 10:00 p.m. and 8:00 a.m. the following day.

4. Animals. The keeping of any animals which, by causing frequent or long-continued noise, disturbs the comfort or repose of any person in the vicinity.

5. Construction, Repair and Loading Noise. Operating or causing to be operated any equipment used in commercial construction, repair, alteration or demolition work on building, structures, streets, alleys or appurtenances thereto, in residential or commercial land use categories between the hours of 6:00 p.m. and 8:00 a.m. the following day on weekdays, between 6:00 p.m. Saturday night and 8:00 a.m. Monday morning and on legal holidays. This shall include but not be limited to cranes, bulldozers, backhoes, front end loaders, trucks and dumptrucks, commercial saws, jackhammers, nail guns and other similar construction equipment. This prohibition includes using any power tool between the hours of 6:00 p.m. and 8:00 a.m. the following day. This shall include but not be limited to lawn mowers, edge trimmers, leaf blowers, chain saws, power saws, electric drills and similar tools. Nothing in this section shall prohibit the use of such tools indoors or in such other fashion so that any sound created is not plainly audible beyond the property boundary.

Construction activities of any nature whatsoever shall not be permitted on: New Year's Day; Memorial Day; July 4th; Labor Day; Thanksgiving Day; Christmas Day; Or on any Sunday. During the period from June 15th to September 15th, no commercial construction activity, of any nature whatsoever shall be permitted on Saturday. Commercial landscape maintenance activity shall be permitted until 12:00 noon on Saturday, upon the condition that vehicles or equipment associated with the activity shall not be parked upon public roads.

§ 8-4.3. Additional Definition of Noise Disturbance.

A noise disturbance shall also include any sound in excess of the standards set forth in N.J.A.C. 7:29-1.2. However, for purposes of this section, the sources of noise described in N.J.A.C. 7:29-1.2(a) and (b) shall also include a residence. All measurements shall be made in accordance with the standards set forth in N.J.A.C. chapters 7:29 and 7:29B.

§ 8-4.4. Regulation of Alarms.

- a. General Requirements. It shall be the responsibility of all persons that maintain alarm systems within the Borough to provide current information to the police, consisting of the names and telephone numbers of responsible persons who may be contacted in case of emergency or who are authorized to provide service to the alarm system; either must be on a 24-hour basis. This information is to be filed with the police when the alarm system is initially placed into service and must be revised immediately whenever changes are necessary.
 - i. Audible alarms must be silenced within 30 minutes after a designated responsible person is notified to do so by the police, or the alarm system may be equipped with a timing device that will automatically silence the audible alarm within 30 minutes after it is actuated.
 - ii. It shall be the responsibility of all persons within the Borough to prevent the transmission of false alarms through a program of training and periodic inspection and maintenance of the system. The maximum permissible number of false alarms from any one location shall be as follows: (1) One false alarms in any 30-day period, or three false alarms in any one-year period. False alarms in excess of these standards shall be considered to be in violation of this chapter.
- b. Exceptions. The provisions of this chapter shall not apply to the general alerting alarms that may be used by fire companies, ambulances squads or civil defense agencies to summon response of their members. The provisions of this chapter shall not apply to alarm systems that are affixed to motor vehicles.
- c. Violations and penalties. Any person violating any provision of this chapter shall, upon conviction, be subject to a fine not exceeding \$1,000.00, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. Each incident shall be considered as a separate violation.

§ 8-5. Miscellaneous Offenses.

- a. Fires. No person shall set fire to any materials on their property except when utilizing the proper fuel necessary for charcoal burners, other open-flame cooking devices, and outdoor fireplaces. Setting fire to weeds, brush, tree branches, garbage, debris, refuse or trash or similar items, shall be strictly prohibited.
- b. Smoke and Odors. No person shall permit, suffer, allow or cause to be emitted any fumes, gasses, vapors, steam or other substance of such nature or quantity as to be injurious to life, healthy plants, trees, animals, crops, buildings or other property or permit, allow or cause to be emitted any dense smoke which contains carbon, soot, fly ash or other substances in sufficient quantities as to cause or permit the deposit of such carbon, soot, fly ash or other substances on any surface.
 - i. For purposes of this section, a violation shall be deemed to occur when such odor, fumes, gasses, vapors, steam, smoke or other substances escape into the air or beyond the confines of the premises emitting the same or within a structure to which the public is admitted. The duration or density of the emissions shall not be determinative of whether a violation has occurred, but may be considered by the court in the fixing of a penalty.
- c. Public Nudity and Disrobing. No person shall appear or travel on any street, avenue, highway, road, beach, beachfront or waterway located in the Borough of Mantoloking, or to appear in any public place, store, or business in said Borough in a state of nudity.
- d. Disrobing. No person shall undress or change their clothes in the open on any public or private highway, road or street, or any public or private lot or premises, in the Borough. This shall include any automobile, truck or other vehicle, located on any public or private highway, road or street, or any public or private lot or premises, in the Borough.
- e. Failure to Obey Direction of Officer. All individuals operating any vehicle within the Borough must comply with the directions of the Officer.

§ 8-6. Violations and Penalties.

Notwithstanding any other section of this Chapter or any other ordinance, the maximum penalty for violating any provision of this Chapter shall be, in the discretion of the Court, a fine of up to two thousand dollars (\$2,000.00) and/or imprisonment for a period of up to ninety (90) days and/or a period of community service not exceeding ninety (90) days.

Final Version

Chapter 9

FIRE SAFETY ZONES

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- § 9-1 Fire Safety Zones.

§ 9-1. FIRE SAFETY ZONES.

§ 9-1.1. Definitions. [Ord. No. 137 § I]

As used in this section:

FIRE SAFETY ZONE — Shall mean the terminal fifty (50) feet of all public streets in this Borough which terminate at the waters of Barnegat Bay as measured from the low- water mark or bulkhead at such street and on a course parallel with the center line of the street.

§ 9-1.2. Prohibitions. [Ord. No. 137 § II]

No person shall, within the limits of any fire-safety zone, as defined herein:

- Park or leave standing, a motor vehicle or any vehicle which may be drawn by a motor vehicle or any trailer or similar conveyance.
- Launch or retrieve any boat or waterborne conveyance of any description whatsoever, except by express permission of Police department.
- Take or attempt to take by any means, fish, crabs or other marine or aquatic life, including the gathering of seaweed or any other substance.
- Discard, deposit, throw or leave any garbage, waste, bait or refuse of any kind.
- Tie up, dock, berth or beach at any time any boat or waterborne vehicle.

§ 9-1.3. Authorized Use Permitted. [Ord. No. 137 § III]

Nothing contained herein shall limit or prohibit the use of fire-safety zones by duly constituted and authorized Fire, Police, Maintenance, First-Aid or Rescue personnel in the performance of their duties.

§ 9-1.4. Penalties. [Ord. No. 137 § IV; New]

- Anyone who obstructs a fire zone, fire lane, fire area, drafting/pumping station or fire hydrant with a motor vehicle in violation of this section of this chapter and shall be subject to a fine not to exceed \$50.00 for each offense.
- Any obstruction located in a designated fire zone, fire lane, fire area, or drafting/pumping locations within three feet of a fire hydrant shall be subject to a fine of not more than \$500 per day.
- Any person violating any other provision of this chapter, failing to comply with any order made pursuant to this chapter or building in violation of plans and specifications submitted to the Bureau of Fire Safety and/or its designated agents and approved pursuant to the terms of this chapter shall be subject to a fine of not more than \$1,000.00 per day.