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“GOD BLESS AMERICA”

REGULAR MEETING

MARCH 18, 2010

A Regular Meeting of the Mayor and Council of the Borough of Belmar on the above date at 8:00 p.m. in the Municipal Building.

PRESENT: Mayor Pringle, Councilwoman Deicke, Councilman Wright, Councilman Doherty, Councilman Magovern, Karl Kemm, Esq., Administrator Robbin Kirk, and Acting Borough Clerk April Claudio

Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on March 1, 2010 notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE: Our troops and their families

BID – MARINA LUNCHEONETTE

Bid deposit of \$5,000 required. The Minimum bid is \$17,000.

PETITIONS:

APPROVAL OF MINUTES:

REPORTS OF MAYOR AND COUNCIL:

PUBLIC SESSION: Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

CONSENT AGENDA:

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

RESOLUTIONS BY CONSENT:

RESOLUTION PERMITTING SPECIAL EVENTS

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FROM DATA TRACE FOR THE BOROUGH OF BELMAR TO PROVIDE A WEEKLY DATA TRANSMISSION OF BOROUGH TAX RECORDS

RESOLUTION EXTENDING GEESE PEACE MANAGEMENT PROGRAM FOR 2010 IN THE BOROUGH OF BELMAR

RESOLUTION AUTHORIZING THE BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH N.J. TRANSIT TO PROVIDE A SPECIAL BEACH TICKET

RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES FOR THE YEAR 2010

RESOLUTION AUTHORIZING PAYMENT OF BILLS FOR MARCH 18, 2010

ORDINANCE 2010-02: FIRST READING & INTRODUCTION

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, LICENSES,

**GENERAL, NEW SUBSECTION, 20-15 COMMERCIAL FILM MAKING,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR,
IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**AMENDED ORDINANCE 2010-03: FIRST READING & INTRODUCTION
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL
DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW
JERSEY**

**ORDINANCE 2010-06: FIRST READING & INTRODUCTION
AN ORDINANCE CREATING THE BELMAR SPECIAL IMPROVEMENT
DISTRICT WITHIN THE BOROUGH OF BELMAR and DESIGNATING
A DISTRICT MANAGEMENT CORPORATION**

**ORDINANCE 2010-07: FIRST READING & INTRODUCTION
ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX LICENSES
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR,
IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**ORDINANCE 2010-04: SECOND READING & PUBLIC HEARING
BOND ORDINANCE PROVIDING FOR STREET LIGHTING IN AND BY THE
BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING \$350,000 THEREFOR, AUTHORIZING THE ISSUANCE OF
\$332,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE
COST THEREOF AND DIRECTING THE**

**ORDINANCE 2010-05: SECOND READING & PUBLIC HEARING
BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF
\$70,000 FOR IMPROVEMENTS TO PEDESTRIAN WALKWAYS IN AND BY THE
BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$66,500 BONDS OR NOTES OF THE
BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

PUBLIC SESSION:

CLOSED SESSION:
RESOLUTION 2010- AUTHORIZING CLOSED MEETING - Items to be discussed:
personnel & contract negotiations

ADJOURN

RESOLUTION NO. 2010-

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FROM DATA TRACE FOR THE BOROUGH OF BELMAR TO PROVIDE A WEEKLY DATA TRANSMISSION OF BOROUGH TAX RECORDS

WHEREAS, the Borough of Belmar has received a proposal from Data Trace, a tax search firm, requesting a data transmission once a week for the Borough of Belmar Tax Records; and

WHEREAS, said request relates to information that is open to the public and would be available upon request; and

WHEREAS, Data Trace has proposed to pay the Borough of Belmar the sum of Five Hundred Dollars (\$500) per year for providing this service; and

WHEREAS, the aforesaid proposal has been reviewed and a recommendation has been received from the Municipal Tax Collector that the Borough of Belmar accept this proposal; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that the proposal received from Data Trace provide a data transmission once a week from the Borough of Belmar Tax Office tax records in return for payment of Five Hundred Dollars (\$500) per year be and hereby accepted.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Doherty				
Mr. Magovern				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2010-

**RESOLUTION EXTENDING GEESE PEACE MANAGEMENT PROGRAM FOR
2010 IN THE BOROUGH OF BELMAR**

WHEREAS, there exists an Interlocal Services Agreement for a Geese Peace Management Program between five (5) municipalities, and

WHEREAS, the Borough of Belmar is a party to said Interlocal Agreement, and

WHEREAS, Article VIII Duration, states that the duration of the program shall be for a period of one (1) year unless extended by mutual consent, and

WHEREAS, last year five (5) of the original (6) Municipalities decided to extend the agreement for an additional year (2010), and

WHEREAS, the Borough of Belmar wishes to extend the program for an additional year. Belmar's funding share is \$4,830; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Belmar hereby agrees to extend the duration of the Interlocal Services Agreement for a Geese Peace Management Program for a period of one (1) year (2010).

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Magovern				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2010-

RESOLUTION AUTHORIZING THE BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH N.J. TRANSIT TO PROVIDE A SPECIAL BEACH TICKET

WHEREAS, New Jersey Transit has developed a Summer Shore Promotion which provides for round trip train transportation and a special Beach ticket with a reimbursement value of \$3.50, and

WHEREAS, the Borough Council desires to participate in this summer's promotion.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the Borough Clerk be and is authorized to execute an agreement with New Jersey Transit to participate in the 2010 Summer Services Promotion.

BE IT FURTHER RESOLVED that this authorization is in conformance with Subsection 18-2.5h of the "Revised General Ordinances of the Borough of Belmar" designating this as a special promotion to encourage public access to the beaches.

Council offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mr. Magovern				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2010-

**RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS
LICENSES FOR THE YEAR 2010**

WHEREAS, applications have been received for 2010 Taxicab Owner's and Driver's Licenses for the person listed below under the provisions of Chapter XXI of the Revised General Ordinances of the Borough of Belmar for Taxi Driver's Licenses; and

WHEREAS, said applications appear to conform to the regulations as set forth in Borough Ordinances; and

WHEREAS, said applications have been reviewed by the Police Department as required by Borough ordinance and no objections have been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that the following persons have applied for Taxicab Owner's and Driver's Licenses and have been approved by the Police Dept.

Michael McGearry
Vincent Ricigliano

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
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Mrs. Deicke				
Mr. Magovern				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2010-

RESOLUTION PERMITTING SPECIAL EVENTS

WHEREAS, applications have been received by the Special Events Committee as per Ordinance 16-14.4 “Permits and Special Event Permits;” and

WHEREAS, said applications have been reviewed by the Special Events Committee and by the Borough Council; and

WHEREAS, the following events are recommended for approval with conditions if applicable:

District 28, Luncheon and Guest Speakers: Saturday, May 15, 2010, from 11:00 am to 6:00 pm, with set up Friday May 14th, from 6:00 to 9:00 pm. Cost for the Pavilion is \$220.00, due and payable by April 15, 2010.

DQ Events, Triathlon: Sunday, August 1, 2010, 5:00 am to noon, including setup and breakdown, with sign up Friday, July 31, 2010 at Taylor Pavilion at Noon. Cost for Police is \$2100.00, due and payable July 1, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that permission is granted for the special events as noted above with conditions if cited.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
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Mrs. Deicke
Mr. Magovern
Mr. Doherty
Mr. Wright
Mayor Pringle

Adopted:

ORDINANCE No. 2010-02 Commercial Film Making

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XX, LICENSES GENERAL,
NEW SUBSECTION, 20-15 COMMERCIAL FILM MAKING,
OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH,
NEW JERSEY

WHEREAS, the Borough of Belmar has become a desirable location for the filming of motion pictures and television programs; and

WHEREAS, such filming has the potential to disrupt the peace and tranquility of the residents of Belmar, and to impose costs on the taxpayers of the Borough; and

WHEREAS, it is the desire of the Mayor and Council to minimize such disruptions and to provide a mechanism for covering costs incurred by the Borough, by regulating such activities; now therefore

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XX of the Revised General Ordinances of the Borough of Belmar, "Licenses General" is hereby amended and supplemented as follows:

SECTION I. New Subsection 20-15, entitled "Commercial Film Making" is hereby added as follows:

20-15.1 Definitions. As used in this chapter, these terms shall have the following meanings:

- a. *Filming* - The taking of still or motion pictures either on film, videotape, or similar recording medium, for any purpose intended for viewing on television, in theaters or for institutional uses. This term shall not include *Family Videos and Photography* and *News Media*, as defined herein, or as otherwise provided herein.
- b. *Motion Picture, Television Pictures, Still Photography* - All activities attendant to the staging and/or shooting of commercial motion pictures, television series, television movies, commercials and to the taking of single or multiple photographs for sale or commercial use where the photographer sets up stationary equipment in any one location for longer than five consecutive minutes.
- c. *Major Motion Picture* - Any film which is financed and/or distributed by a major motion picture studio or corporation for presentation in movie theaters, including any filming activity connected with any part of such a production; provided that the production has an overall budget of \$2,000,000.00, or more
- d. *News Media* - Photographic, filming, and/or videotaping for the purpose of a television news broadcast or reporting for print media by reporters, photographers or cameramen.
- e. *Student Films* - Motion Picture, Television or Still Photography produced to satisfy a course or curriculum requirement at an accredited educational institution. The student filmmaker must supply proof that he/she is currently enrolled in any such educational institution.
- f. *Family Videos and Photography* - The filming or videotaping of motion pictures, or still photography, intended solely for private use.

- g. *Public Lands* - The areas including but not limited to any public building, street, sidewalk highway, sidewalk, square, park, playground, the beachfront, boardwalk and the marina, and other public places, which is within the jurisdiction and control of the Borough of Belmar.

20-15.2 Permit Required.

- a. No person shall use any Public Lands or private property, public right-of-way, facility, and/or residence for the purpose of taking motion pictures, television pictures or still photography without first applying for and receiving a permit from the Special Events Committee or the Borough Administrator of the Borough of Belmar, as applicable.
- b. The permit shall set forth the approved location of such filming and also the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three (3) consecutive days in any one location and in no event shall filming at one location within the Borough exceed a total of six (6) days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. Either or both of the three-consecutive-day and the six-day limitations may be extended only if the filming requested satisfies the major motion picture exception defined by §20-15.1(c). Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.
- c. All permits shall be applied for and obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough Administrator and be accompanied by permit fees in the amounts established by this chapter in §20-15.11.
- d. If a permit is issued and filming does not in fact take place on the dates specified due to good cause, including but not limited to reasons of inclement weather, the Borough Administrator may issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this new permit.
- e. The provisions of this section shall not apply to News Media, Family Videos and/or Student Films.
- f. The provisions of this section shall not apply to all activities attendant to the staging and/or shooting of a segment of a television series where all such activities occur on private property and within a commercial building or other structure which is not in a residential area and is not visible outside of such building or structure provided that the filming activities do not exceed three (3) days.

20-15.3 Issuance of Permits.

- a. Permits shall be issued by the Borough Administrator after review and approval of the Borough's Special Events Committee at one of its regularly scheduled meetings. Any such review shall determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. If the events involving the filming also require a Special Events Permit per Ordinance Section 16-14.4 the Special Events Committee

can issue the Filming Permit required by this Section, but shall not have the authority to issue an Expedited Permit.

- b. Expedited Permits may be issued by the Borough Administrator upon payment of the requisite fee. The Borough Administrator, after consultation with the Chief of Police, the Superintendent of Public Works and two (2) Council members, may issue the permit without approval of the Special Events Committee, so long as the application complies with all other requirements of this Section. The Borough Administrator may determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. Expedited permits shall be issued at the close of the fourth business day after submission of a complete permit application.
- c. No permits shall be issued unless all fees and reasonably necessary reimbursable expenses are paid to the Borough.
- d. No permit shall be issued for filming upon Public Lands unless the applicant shall provide the Borough of Belmar with satisfactory proof of the following:
 - 1. Proof of Insurance Coverage including but not limited to, for Bodily injury to anyone person in the amount of \$1,000,000.00 and any occurrence in the aggregate amount of \$3,000,000.00;
 - 2. For Property damage for each occurrence in the aggregate amount of \$1,000,000.00;
 - 3. A written hold harmless and indemnification agreement acceptable to the Borough Attorney.
 - 4. The posting of cash or maintenance bond for the value of \$500.00 protecting and insuring that the location utilized for the filming will be left, in a satisfactory condition, free of debris, rubbish, and equipment, and that due observance of all Borough Ordinances, laws, and regulations will be followed. Within seven (7) days of the completion of the filming, the Borough will return the bond if there has been no damage to the public property or public expense caused by the filming.
- e. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over Public Lands and shall comply with all lawful directives issued by the Belmar Police Department, the Fire Marshall and the Borough Administrator and with respect thereto.
- f. The applicant shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners as a result of such filming and shall, to the extent practicable, abate noise and park vehicles off the public streets. All vehicles parked on public streets and rights of ways shall be done so in accordance with all applicable state and local regulations.
- g. The holder shall not interfere with previously scheduled activities upon Public Lands and limit, to the extent possible, any interference with normal public activity on such Public Lands.
- h. The applicant shall give written notice of the filming to all businesses and residents within two hundred feet (200') of the filming location and further provide written proof of such notice at least three business days prior to the submission of a completed permit application. Such written notice shall be in a form acceptable to the Borough Administrator and shall inform such businesses and residents that objections may be filed with the Borough

Administrator within the next three business days, said objections to form a part of applicant's application and be considered in the review of the same. However, an applicant may request a waiver of the notice requirement, and if the Special Events Committee or the Business Administrator in the case of an Expedited Permit finds that by not giving notice there would be less of a potential for disruption, if the Permit is granted, than a waiver may be granted by the Special Events Committee or the Business Administrator as applicable.

20-15.4 Filming in Residential Areas. Filming in residential areas shall be permitted Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. except from May 1 to November 1 of each year filming in residential areas shall be further limited to non-holiday weekdays and no nighttime filming shall be permitted. All activity shall meet the standards of Section 16.3, "Regulation of Noise" of this Code, provided that all requests for night scenes shall be approved in the permit to be granted in accordance with §20-15.7 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

20-15.5 Filming on or near properties containing Liquor Licenses. No filming shall occur on or within 200 feet of any property which has an establishment with a Liquor License at any time the establishment is open for business.

20-15.6 Refusal to Issue Permit; Employment of Patrolmen and Electrician.

- a. The Borough of Belmar may refuse to issue a permit whenever it determines, on the basis of objective facts and after a review of the application by the Police Department and by other Borough agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- b. The Borough reserves the right to require one or more Belmar Police Officer(s), Fire Department personnel or any such other specialized Borough officials to remain on-site during the times indicated on the permit, in situations where the production may impede the proper flow of traffic, or otherwise impact upon public safety. The cost of all such personnel shall be borne by the applicant as cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

20-15.7 Waiver of Requirements of Section by Borough. The Borough may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Borough shall consider factors including but not limited to the following:

- a. Traffic congestion at the location;
- b. The Applicant's ability to remove film-related vehicles off the public streets;
- c. Whether the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;

- d. Nature of the film shoot itself; e.g. indoor or outdoor; day or night; on Public Lands or private lands; proximity to residential neighborhoods; potential for disruption of normal residential or business activities; and
- e. Prior experience of the film company/applicant with the Borough, if any.

20-15.8 Copies of Permit; Inspections. Copies of the approved permit shall be sent to the Police and Fire Departments before filming takes place. The applicant shall permit the Police Department, the Fire Marshall or other Borough inspectors to inspect the site and equipment to be used. The applicant shall comply with all safety instructions issued by the Police Department, the Fire Marshall, or other Borough inspections.

20-15.9 Reimbursement of Certain Costs. In addition to any and all other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, including but not limited to, repairs required to public property, and any revenues that the Borough was prevented from earning because of the filming.

20-15.10 Special Regulations for Major Motion Pictures.

- a. With regards to filming being done on a Major Motion Picture, and upon a favorable review of the factors set forth in §20-15.6 the Borough may grant an exemption of the three (3) consecutive filming day limit and/or the six (6) total filming days within a calendar year limit as defined in §20-15.2;
- b. Any days that are necessary for setup and preparation of a major motion picture filming may, at the discretion of the Borough, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in §20-15.6 hereof.

20-15.11 Fees. The schedule of fees for the issuance of permits authorized by this chapter are as follows:

- a. Basic filming permit (Special Events Committee review): \$250.00.
- b. Expedited Permit (Borough Administrator review): \$1,000.00.
- c. Daily filming fee payable in addition to basic filming permit: \$500.00 per day.
- d. Daily filming fee payable for filming a major motion picture: \$1,500.00 per day.
- e. Filming permit for nonprofit applicants filming for educational purposes: \$25.00 onetime fee.
- f. Overnight Parking/Use of Borough Lot: at cost.
- g. Police / Fire Protection: at cost.
- h. Use of Borough buildings or public parks: \$1,500.00 per day.

20-15.12 Penalties. Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner and the applicant shall each be liable for violations hereof. Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 per day or by imprisonment in the county jail for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage

ORDINANCE 2010-03, as amended March 18, 2010

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XL DEVELOPMENT REGULATIONS
OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH,
NEW JERSEY**

WHEREAS, the Borough of Belmar wished to create two (2) new Zoning Districts being the R-50-B Zone and the R-40-B Zone, amend the Official Zoning Map of the Borough of Belmar accordingly, and amend the sections of the ordinances relating to Floor Area Ratio applicable to these new zones.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XL Development Regulations, of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

SECTION I. Chapter XL Development Regulations, Article 5, existing Schedule 40-5-1A, shall be amended as follows:

SCHEDULE 40-5-1A.1

Schedule of Floor Area Ratio, Maximum Lot Coverage (Impervious Surface) and Building Coverage Requirements, Residential

Lot Size (square feet)	Maximum Floor Area Ratio (FAR)	Maximum Lot Coverage (Impervious Surface)	Maximum Building Coverage
10,000 and over	50%	40%	20%
7,500 to 9,999	55%	50%	25% (1)
7,000 to 7,499	55%	50%	25% (2)
5,051 to 6,999	65%	55%	30% (3)(4)
4,000 to 5,050	70% <u>75%</u>	55%	30%
0 to 3,999	70% <u>78%</u>	55%	30%

SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

Additions are indicated by underline; and, deletions by ~~strikeout~~.

ORDINANCE 2010-04

BOND ORDINANCE PROVIDING FOR STREET LIGHTING
IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY
OF MONMOUTH, NEW JERSEY, APPROPRIATING \$350,000
THEREFOR, AUTHORIZING THE ISSUANCE OF \$332,500
BONDS OR NOTES OF THE BOROUGH FOR FINANCING
PART OF THE COST THEREOF AND DIRECTING THE
SPECIAL ASSESSMENT OF PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all
members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby
authorized to be undertaken by the Borough of Belmar, New Jersey (the "Borough") as a local
improvement. For the improvement or purpose described in Section 3, there is hereby
appropriated the sum of \$350,000, including the sum of \$17,500 as the down payment required
by the Local Bond Law. The down payment is now available by virtue of provision for down
payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by
application of the down payment, negotiable bonds are hereby authorized to be issued in the
principal amount of \$332,500 pursuant to the Local Bond Law. In anticipation of the issuance of
the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and
within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the
financing of which the bonds are to be issued is the acquisition and installation of street lighting,
all as shown on and in accordance with the plans and specifications therefor on file in the office
of the Clerk, which plans are hereby approved, including all work and materials necessary
therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the
improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. Notice is hereby given to the owners of all lots and parcels of real estate benefitted by the improvement described in Section 3 hereof and affected by the improvement described therein that the Borough intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$266,143. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the Borough will contribute \$83,857 to the cost of the

improvement; however, if the amount of the special assessments as finally confirmed is less than \$266,143, then the Borough will also contribute the difference to the cost of the improvement.

Section 7. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Borough and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Borough shall have the right to waive default as may be permitted by law.

Section 8. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement that the Borough lawfully may undertake as a local improvement, the cost of which shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the

gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$332,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefitted by the improvement is 10.

Section 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 10. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 11. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE 2010-05

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$70,000 FOR IMPROVEMENTS TO PEDESTRIAN WALKWAYS IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$66,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED BY THE BOROUGH COUNCIL, OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Belmar, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$70,000, such sum being in addition to the \$450,000 appropriated therefor by bond ordinance #2008-02 of the Borough finally adopted January 23, 2008, as supplemented in the amount of \$180,000 by bond ordinance #2009-06 of the Borough finally adopted April 8, 2009, and including the sum of \$3,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$66,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is improvements to pedestrian walkways located on Main Street, including, but not limited to, street lighting and benches, including all work and

materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto, as described in bond ordinance #2008-02 finally adopted January 23, 2008, as supplemented by bond ordinance #2009-06 of the Borough finally adopted April 8, 2009.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$696,500, including the \$450,000 bonds or notes authorized by bond ordinance #2008-02 of the Borough finally adopted January 23, 2008, the \$180,000 bonds or notes authorized by supplemental bond ordinance #2009-06 finally adopted April 8, 2009, and the \$66,500 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$700,000, including the \$450,000 appropriated by bond ordinance #2008-02 of the Borough finally adopted January 23, 2008, the \$180,000 appropriated by supplemental bond ordinance #2009-06 finally adopted April 8, 2009, and the \$70,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with

the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$66,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$90,000 was estimated for these items of expense in bond ordinance #2008-02 of the Borough finally adopted January 23, 2008, \$37,000 was estimated for these items of expense in supplemental bond ordinance #2009-06 finally adopted April 8, 2009, and an additional \$23,000 is estimated therefor herein.

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE NO. 2010 - 06

**AN ORDINANCE CREATING
THE BELMAR SPECIAL IMPROVEMENT DISTRICT WITHIN
THE BOROUGH OF BELMAR
And
DESIGNATING
A DISTRICT MANAGEMENT
CORPORATION**

WHEREAS, the Belmar Special Improvement District Steering Committee as created by Resolution No. 2009-185 adopted on August 26, 2009 in cooperation with the Borough of Belmar with the assistance of the consultant, Stuart Z. Koperweis of S3X Associates, LLC as authorized by Resolution No. 2009 - 205 adopted on September 23, 2009 prepared a Feasibility Study outlining improvements to the Borough's business areas, dated February 17, 2010, detailing recommendations for the improvement of the Borough's business areas which recognizes the benefit from a unified management organization to oversee and coordinate planning and implementation of improvements to the Borough's business areas; and

WHEREAS, the Belmar Special Improvement District Steering Committee and the Borough Council have concluded that meeting the challenge of maintaining a healthy, vital commercial district can best be met by the creation of a special improvement district and the designation of a district management corporation to manage the affairs of the district; and

WHEREAS, the Borough Council deem it desirable to create a Special Improvement District to encourage district property and business owners to improve the district, make it possible for members of the community and especially the business community to support the revitalization of the district and promote the commercial viability and attractiveness of the area, and promote the economic development of the district

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XXXIII of the Borough of Belmar Revised General Ordinances which is presently reserved is hereby amended and supplemented as follows:

SECTION I. Chapter XXXIII is hereby amended and supplemented as follows:

CHAPTER XXXIII

BELMAR SPECIAL IMPROVEMENT DISTRICT

30-1. PURPOSE

The purposes of this ordinance are to:

- (a) foster the district's economic development, encourage the district's revitalization and strengthen the district's economic and commercial contributions to residents and property owners of the Borough of Belmar (also referred to as the "Borough")
- (b) allow all those who live, work or invest in the District to contribute to the improvement of the district.
- (c) foster the building of a private/public partnership to implement the improvement of (name of Center).

(d) foster and create self-help programs to improve the local business climate.

30-2. DEFINITIONS

(a) Special Improvement District (also referred to as District or SID) means that area within the Borough as designated by this ordinance as an area in which a special assessment on property within the District shall be imposed for the purpose of promoting the economic and general welfare of the District and the Borough.

(b) District Management Corporation (also referred to as DMC) means the Belmar Business Partnership, Inc. (BBP) an entity incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this ordinance to receive funds collected by a special improvement assessment within the Special Improvement District, as authorized by this ordinance and any amendatory supplementary ordinances.

30-3. FINDINGS.

The Council finds and declares that:

(a) The business areas of the Borough of Belmar have special needs and require special services that can best be achieved through a private/public partnership implemented by a Special Improvement District (“SID”) and a District Management Corporation (“DMC”).

(b) The creation of a Special Improvement District and designation of District Management Corporation will promote economic growth and implement, foster and encourage commercial development business vitality, expansion and self-help, and improve the business climate and otherwise be in the best interest of the property owners in the District and in the Borough.

(c) The area within the Borough, as described by lot and block numbers and by street addresses as set forth in Schedule A of this ordinance will benefit from being designated as a Special Improvement District.

(d) A District Management Corporation will provide the administrative, programming and other services to benefit the businesses, employees, residents and consumers in the Special Improvement District and the District Management Corporation will assist the Borough in promoting economic growth, employment and development.

(e) A special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the District Management Corporation to effectuate the purpose of this ordinance and any amendatory and supplementary statutes and to exercise the powers given to it by this ordinance.

(f) It is in the best interests of the Borough and the public to create a special improvement district and to designate a district management corporation; except that no district management corporation shall be designated to receive any funds or to exercise any powers pursuant to the provisions of N. J. S. A. 40:56-67 et seq. and any amendatory or supplementary statutes, unless the board of directors of that corporation shall include at least one member of the Borough Council.

30-4. CREATION OF THE DISTRICT APPLICABILITY

(a) There is hereby created and designated within the Borough a Special Improvement District to be known as the Belmar Business Partnership Special Improvement District consisting of all properties as set forth in Section 30-4(c). The Special Improvement District shall be subject to special assessments on all affected property within the district, which assessment shall be imposed by the Borough for the purposes of promoting the economic and general welfare of the District and the Borough.

(b) All properties within the Special Improvement District, except as otherwise noted in (c) below, are deemed included in the assessing provisions of this ordinance and are expressly subject to assessment made for Special Improvement District purposes.

(c) Only those properties within the Special Improvement District that as of January 1, 2010 are designated as property classes 4A and 4B for purposes of real estate property tax assessment pursuant to N.J.A.C. 18:12-2.2 shall be subject to assessment made for Special Improvement District purposes. Additionally, any property containing a business commonly known as a Bed and Breakfast which holds a duly issued Belmar Mercantile License for the same and rooming and boarding houses which hold a duly issued license from the State for the same shall pay only 50% of the assessment that would normally be made for Special Improvement District purposes. Further, any property which is owned by the Borough or any other public entity, which is leased pursuant to the Local Lands and Buildings Law N.J.S.A. 40A:12-1, and specifically excepting any boat leases at the Belmar Marina, to anyone other than another public entity or entity which is exempt from real estate taxation, the lessee shall pay an amount as determined by the District Management Corporation. as an assessment for Special Improvement District purposes

30-5. ASSESSMENTS

(a) It is hereby determined that the operation and maintenance of the District may involve annual costs relating to services peculiar to the District that are distinguished from operation and maintenance services normally provided by the Borough outside the District. Those annual costs shall be assessed to the benefited properties or businesses pursuant to this ordinance and N. J. S. A. 40:56-65 et seq. The properties to be assessed to provide for the payment of such annual costs are described in Section 30-4 hereof.

(b) Each year, when the Council shall have acted on the estimated costs and/or on the budget of the District, the Tax Assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District. Descriptions of such properties and the name of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessments roll, when so prepared, shall be filed in the Office of the Borough Clerk and be there available for inspection. The Council shall annually meet to consider objections to the amounts of such special assessments at least 10 days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property to be assessed. The notice shall set forth the time and place of the meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the Council shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the Borough Clerk shall forthwith certify a copy of the assessment roll with supplements to the roll to the Monmouth County Board of Taxation.

30-6. THE DESIGNATED DISTRICT MANAGEMENT CORPORATION

(a) The non-profit corporation, the Belmar Business Partnership, Inc. an entity incorporated pursuant to N.J.S.A. 15A:1-1 et seq., is hereby designated as the District Management Corporation for the District and designated by this ordinance to receive funds collected by a special improvement assessment within the Special Improvement District. This management corporation, in addition to acting as an advisory board to the Council, shall have all powers necessary and requisite to effectuate the purpose of this ordinance and the District, including, but not limited to:

- (1) Adopt bylaws for the regulation of its affairs and conduct of its business and to prescribe rules, regulations and polices in connection with the performance of its function and duties;
- (2) Employ such persons as may be required, and to fix and pay their compensation from funds available to the District Management Corporation;
- (3) Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;

- (4) Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;
- (5) Administer and manage its own funds and accounts and pay its obligations;
- (6) Borrow money from private lenders for periods not to exceed 180 days and from governmental entities for that or longer periods;
- (7) Fund the improvement of the exterior appearance of properties in the district through grants or loans;
- (8) Fund the rehabilitation of properties in the district;
- (9) Accept, purchase, rehabilitate, sell, lease or manage property in the District;
- (10) Enforce the conditions of any loan, grant, sale or lease made by the District Management Corporation;
- (11) Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality;
- (12) Undertake improvements designed to increase the safety or attractiveness of the District to businesses which may wish to locate there or to visitors to the District, including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough;
- (13) Publicize the District and the businesses included within the District boundaries;
- (14) Recruit new businesses to fill vacancies in, and to balance the business mix of, the District;
- (15) Advise the Mayor and Borough Council in connection with the acquisition and construction of improvements and the operation and maintenance thereof in the Special Improvement District, and making of a plan therefore and the recommendations, comments or requests of members of the public and of owners and occupants of property included within the Special Improvement District;
- (16) Provide special parking arrangements for the District;
- (17) Provide temporary decorative lighting in the District;
- (18) Organize special events in the District;
- (19) Review all applications, plans, specifications, etc. for the proposed construction or alteration of any and all exterior improvements to buildings and facades within the Special Improvement District for the purpose of providing advice and recommendations to those wishing to improve their properties. Recommendations produced under this section will be forwarded to the appropriate approving authority, namely the Borough's construction code official, Planning Board or the Board of Adjustment.
- (20) Advise the distribution and location of movable furniture, sculpture or pedestrian traffic control devices, landscaping and other facilities not otherwise located or fixed by the plans and specifications.

(b) In order to receive any funds or exercise any of the powers granted herein, the Board of Trustees of the Corporation shall include at least one member of the governing body of the municipality of the Borough of Belmar.

30-7. MUNICIPAL POWERS RETAINED

(a) Notwithstanding the creation of a Special Improvement District, the Borough expressly retains all its powers and authority over the area designated as within the Special Improvement District.

(b) Nothing contained herein shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof.

(c) The District Management Corporation shall not make or enter into any contracts for the improvement of any publicly owned or operated facility or property within the Special Improvement District, nor adopt any regulation relating to public property in such district unless the Council of the Borough of Belmar delegates to the Belmar Business Partnership, Inc. by ordinance, the contracting of work to be done on any street or streets or on any other municipal property within the Special Improvement District provided the District Management Corporation, as the contracting unit, complies with the New Jersey Local Public Contracts Law, Public Law 1971, Chapter 198 (N.J.S.A. 40A:11-1 et seq.) and provided the plans and specifications for the work contracted shall be approved by the municipal engineer and the Council, by resolution, prior to initiation of any action for the awarding of a contract under the Local Public Contracts Law.

(d) The District Management Corporation shall comply with all applicable ordinances or regulations of the Borough of Belmar.

30-8. FISCAL YEAR AND ANNUAL BUDGET

(a) The fiscal year of the District shall be the same as the Borough.

(b) The District Management Corporation shall submit a detailed annual budget for the upcoming fiscal year by no later than the end of the current fiscal year of the Borough for approval by resolution by the Council.

(c) The budget shall be submitted with a report which explains how the budget contributes to goals and objectives for the Special Improvement District. The budget shall be reasonably itemized and shall include a summary of the categories of cost properly chargeable as follows:

- (1) The amount of such costs to be charged against the general funds of the Borough, if any;
- (2) The amount of costs to be charged and assessed against properties benefited in the District in proportion to benefits against properties in the District.
- (3) The amount of costs, if any, to be specially assessed against properties in the District.

(d) The budget shall be introduced, approved, amended and adopted by resolution passed by not less than a majority of the full membership of the Borough Council. The procedure shall be as follows:

- (1) Introduction and approval;
- (2) Public advertising;
- (3) Public hearing;
- (4) Amendments and public hearings, if required;
- (5) Adoption.

(e) The budget shall be introduced in writing at meeting of the Council. Approval thereof shall constitute a first reading, which may be by title. Mayor and Council, upon approval

of the budget, shall fix the time and place for the holding of a public hearing upon the budget.

(f) The budget shall be advertised after approval. The advertisement shall contain a copy of the budget and shall set forth the date, the time and place of the hearing. It shall be published at least 10 days prior to the date fixed therefore in the official newspaper of the Borough.

(g) No budget shall be adopted until a public hearing has been held thereon and all persons having an interest therein shall have been given an opportunity to present objections. The hearing shall be held not less than 28 days after the approval of the budget.

(h) The public hearing shall be held at the time and place specified in the advertisement thereof, but may be adjourned from time to time until the hearing is closed.

(i) The budget, as advertised, shall be read at the public hearing in full, or it may be read by its title, if:

(1) At least one week prior to the date of the hearing a complete copy of the approved budget, as advertised:

(a) Shall be posted in a public place where public notices are customarily posted in the municipal building;

(b) Is made available to each person requesting the same during that week and during the public hearing; and

(2) The Council shall, by Resolution pass by not less than a majority of the full membership of the Municipal Council, determine that the budget shall be read by its title and declare that the conditions set forth in this section (i) have been met.

(j) After closing the hearing, the governing body may adopt the budget by title, without amendments, or may approve amendments, as provided in Section 30-8(k), before adoption.

(k) The governing body may amend the budget during or after the public hearing. No amendment by the governing body shall be effective until the taxpayers and all persons having an interest therein shall have been granted a public hearing thereon, if the amendment shall:

(1) Add a new item in an amount in excess of 1% of the total amount stated in the approved budget, or

(2) Increase or decrease any item by more than 10%, or

(3) Increase the amount to be raised pursuant to Section 16 of Public Law 1972, Chapter 134 (N.J.S.A. 40:56-80), or Section 19 (N.J.S.A. 40:56-85), of this amendatory and supplementary act by more than 5% unless the same is made pursuant to an emergency temporary appropriations only

Notice of hearing on an amendment shall be advertised at least three (3) days before the date set therefore. The amendment shall be published in full in the same manner as an original publication and shall be read in full at the hearing and before adoption.

(l) Final adoption shall be by Resolution, adopted by a majority of the full membership of the governing body, and may be by title.

30-9. FISCAL REQUIREMENTS, ANNUAL REPORTS, AUDIT

(a) Monies appropriated and collected for the annual costs of operating and maintaining a Special Improvement District shall be credited to a special account. The Council may incur the annual costs of improving, operating and maintaining a Special Improvement District during a fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account approved for that year is not exceeded by the expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be maintained and applied towards the financial requirements of the succeeding year.

(b) The Council may retain a portion of the collected special assessment proceeds to offset the direct costs incurred in the required assessment and budget processes.

(c) The Council shall pay over funds to the District Management Corporation quarterly on the fifteenth (15th) day of February, May, August and November of each year. The Borough shall not be obligated to pay over funds not received by the Borough.

(d) The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Council and for that purpose shall employ a Certified Public Accountant of New Jersey. The annual audit shall be completed and filed with governing body within four months after the close of the fiscal year of the corporation, and a certified copy of the audit shall be filed with the Director of Community Affairs within five (5) days of the filing of the audit with the Council.

(e) The District Management Corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the proceeding fiscal year to the Council and the Borough Clerk.

30-10. NO LIMITATION OF POWER

Nothing contained herein shall prevent the Council at anytime, subsequent to the adoption of this ordinance, by ordinance abandoning the operation of the Special Improvement District, changing the extent of the Special Improvement District, supplementing or amending the description of the District to be specially assessed for annual costs of the Special Improvement District, changing or repealing any plan, rules, requisitions or limitations adopted for the operation of the Special Improvement District or rescinding the designation of or redesignating a District Management Corporation.

SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

SCHEDULE A

Block	Lot	Qual	Property Location	Property Class
	2	2	3 OCEAN AVE	4A
	3	2	FIRST & OCEAN AVES	4A
	10	3	101 FIRST AVE	4A
	40	1	400 OCEAN AVE	4A
	40	9	112 FIFTH AVE	4A
	40	17	402-408 OCEAN AVE	4A
	41	8	219 FOURTH AVE	4A
	45	1	N/E COR FIFTH AVE & MAIN	4A
	45	4	610 FIFTH AVE	4A
	54	7.01	517 FIFTH AVE	4A
	55	7	500 MAIN ST	4A
	55	8	504 MAIN ST	4A
	55	9	506 MAIN ST	4A
	55	10	508 MAIN ST	4A
	55	12	614 SIXTH AVE	4A
	56	1	511 MAIN ST	4A
	56	2	507 MAIN ST	4A
	56	4	501 MAIN ST	4A
	56	6	702 SIXTH AVE	4A
	57	2	704-708 RIVER AVE	4A
	57	4	RIVER AVE	4A
	57	5	702 RIVER AVE	4A
	65	8	600 MAIN ST	4A
	65	9	602 MAIN ST	4A
	65	10	604 MAIN ST	4A
	65	11	606 MAIN ST	4A
	65	13	610 MAIN ST	4A
	66	15	611 MAIN ST	4A
	67	4.01	835 BELMAR PLAZA	4A
	75	2	700 MAIN ST	4A
	76	2	703 MAIN ST	4A
	76	4	701 SEVENTH AVE	4A
	76	6	705 SEVENTH AVE	4A
	76	7	709 SEVENTH AVE	4A
	76	15	700 EIGHTH AVE	4A
	76	17	700-A EIGHTH AVE	4A
	76	18	709-715 MAIN ST	4A
	76	20	707 MAIN ST	4A
	76	21	705 MAIN ST	4A
	80	1	801 OCEAN AVE	4A
	80	17	804 OCEAN AVE	4A
	80	18	803 OCEAN AVE	4A
	84	1	801 D ST	4A
	84	14	800 E ST	4A
	85	14	808-810 MAIN ST	4A
	86	1	801 MAIN ST	4A
	86	2	807 MAIN ST	4A
	86	4	809 MAIN ST	4A
	86	5	811 MAIN ST	4A
	86	6	704 BELMAR PLAZA	4A
	86	7	810 BELMAR PLAZA	4A
86.01	1		BELMAR PLAZA	4A
	87	1	800 RIVER AVE	4A
	87	2	810 RIVER AVE	4A
	95	4	609 NINTH AVE	4A
	95	5	613 NINTH AVE	4A
	95	7	900 MAIN ST	4A
	95	8	902 MAIN ST	4A
	95	9	904 MAIN ST	4A

95	10	906 MAIN ST	4A
95	11	908 MAIN ST	4A
95	12	910 MAIN ST	4A
95	13	914 MAIN ST	4A
95	15	610 TENTH AVE	4A
96	1	901 MAIN ST	4A
96	3	917 MAIN ST	4A
96	5	921 MAIN ST	4A
96	6	925 MAIN ST	4A
96	7	706 TENTH AVE	4A
96	8	708 TENTH AVE	4A
96	9	712 TENTH AVE	4A
105	8	613 TENTH AVE	4A
105	9	1000 MAIN ST	4A
105	10	1002 MAIN ST	4A
105	11	1004 MAIN ST	4A
105	12	1006 MAIN ST	4A
105	13	1008 MAIN ST	4A
105	14	1010 MAIN ST	4A
105	15	1012 MAIN ST	4A
106	1	1001-1005 MAIN ST	4A
106	2	701 TENTH AVE	4A
106	3	705 TENTH AVE	4A
106	5	707 TENTH AVE	4A
106	10.01	1007.5 MAIN ST	4A
106	10.02	1007 MAIN ST	4A
106	11	1005.5 MAIN ST	4A
115	10	1100 MAIN ST	4A
115	11	1102 MAIN ST	4A
115	12	1104 MAIN ST	4A
115	13	1108 MAIN ST	4A
115	14	1110 MAIN ST	4A
115	15	1112 MAIN ST	4A
116	2	712 TWELFTH AVE	4A
117	1	803 ELEVENTH AVE. AKA 801	4A
117	2	800 TWELFTH AVE	4A
117	6	1100 RIVER RD	4A
117	7	1102 RIVER RD	4A
117	9	1110 RIVER RD	4A
120	6	107 TWELFTH AVE	4A
125	7	1200 MAIN ST	4A
125	9	1202 MAIN ST	4A
125	10	1204 MAIN ST	4A
125	11.02	1208 MAIN ST	4A
125	13	1212 MAIN ST	4A
127.01	2.01	805 TWELFTH AVE	4A
127.02	7	827 TWELFTH AVE	4A
127.02	10	1204 H ST	4A
128	1	1200 RIVER AVE	4A
134	1	500 FOURTEENTH AVE	4A
135	10	1308 MAIN ST	4A
135	11	1312 MAIN ST	4A
135	12	1316 MAIN ST	4A
136	1	1301 MAIN ST	4A
136	8	711 THIRTEENTH AVE	4A
136	17	1309 MAIN ST	4A
136	21	1303.5 MAIN ST	4A
136	22	1303 MAIN ST	4A
137	1	805 THIRTEENTH AVE	4A
137	16	818 SIXTEENTH AVE	4A
142	14	1402 C ST	4A
155	6	613 FIFTEENTH AVE	4A
155.01	7	1500 MAIN ST	4A
155.01	8	1504 MAIN ST	4A

155.01	9	1506 MAIN ST	4A
156	1	1401 MAIN ST	4A
156	9	712 SIXTEENTH AVE	4A
156	15	1407 MAIN ST	4A
156	16	1405 MAIN ST	4A
160	1	1601 OCEAN AVE	4A
160	25	1607 OCEAN AVE	4A
167	3	811 SIXTEENTH AVE	4A
167	7	1600 HWY 71	4A
167	11	805 SIXTEENTH AVE	4A
168	1.01	1601 H ST	4A
168	17	1607 H ST	4A
170	13	1715-1717 OCEAN AVE	4A
180	1	1801 OCEAN AVE	4A
180	14	1813 OCEAN AVENUE	4A
10	1	102 SECOND AVE	4A
41	15	204 FIFTH AVE	4A
42	1.01	301 FOURTH AVE	4A
71	1	201 SEVENTH AVE	4A
72	7	300 EIGHTH AVE	4A
80	11	114 NINTH AVE	4A
80	13	110 NINTH AVE	4A
87	3	910 RIVER AVE	4A
91	20	200 TENTH AVE	4A
92	21	302 TENTH AVE	4A
92	22	300 TENTH AVE	4A
100	1	1000 OCEAN AVE	4A
100	2	101 TENTH AVE	4A
102	1	301 TENTH AVE	4A
102	3	307 TENTH AVE	4A
105	2	603 TENTH AVE	4A
110	12	114 TWELFTH AVE	4A
111	1	201 ELEVENTH AVE	4A
111	2	203 ELEVENTH AVE	4A
111	13	212 TWELFTH AVE	4A
143	3	405 FOURTEENTH AVE	4A
143	20	402 FIFTEENTH AVE	4A
182	14	1805 A ST	4A

ORDINANCE NO. 2010-07

ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XX LICENSES
OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Belmar wishes to amend its Ordinances regarding the placement of automated teller machines (ATM'S); and

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XX, Licenses, of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

Section I. Chapter V, Department of Public Safety, is hereby amended and supplemented as follows:

20-4.4 Location of Automated Teller Machines (ATM).

~~Machines must~~ Only one (1) Automated Teller Machines (ATM) per business may be placed outside of the business and must be placed within six (6") inches of the outside structure of building (columns, lanais, decks, or nonenclosed porches are not considered part of the outside structure). Only one (1) ATM is permitted per business structure. No machine shall be placed, installed, or maintained on any right-of-way or public walkway, nor may any machines be located inside or outside Borough property unless approved by Mayor and Council. There is not a limit to the number of ATM's that can be located inside of a business, however, all ATM's inside of a business shall be located not closer than fifteen (15) feet from the public entrance/exit to the business.

SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.