

**AGENDA
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

APRIL 4, 2017

SEA BRIGHT, NEW JERSEY

CALL MEETING TO ORDER: 7:00pm

PLEDGE OF ALLEGIANCE

COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)

Good Evening Ladies and Gentlemen. This Meeting Is Now Called To Order: In Line With The Borough Of Sea Bright's Longstanding Policy Of Open Government, And In Compliance With The "Open Public Meetings Act" I Wish To Advise You That Adequate Notice Of This Regularly Scheduled Meeting Was Sent to the Asbury Park Press and other local newspapers on November 15, 2016. In each instance, the Date, Time, And Location Of This Meeting Were Provided In The Notice. This Meeting Is Open To The Public."

ROLL CALL:

Councilmember (s) BIRDSALL____ KEELER____ KELLY____ LAMIA____
 LECKSTEIN____ ROONEY____
Mayor LONG _____

REMARKS FROM THE AUDIENCE (limited to 3 minutes)

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

CONSENT AGENDA

Councilmember offered a motion to approve the items that are considered routine in nature under the consent agenda; seconded by Councilmember

Minutes

02-16-2017	Workshop Meeting
02-16-2017	Executive Session
02-21-2017	Regular Meeting
02-21-2017	Executive Session
03-07-2017	Budget Workshop Meeting
03-07-2017	Regular Meeting
03-07-2017	Executive Session

Resolutions:

No. 69-2017 Office Of Emergency Management "Municipal Emergency Management Coordinator" - Daniel J. Chernavsky

No. 70-2017 Authorizing 2017 Farmers' Market

- No. 71-2017** Establishment of Qualifications for the Submission of Bids for the Municipal Complex Building
- No. 72-2017** Sea Bright Ocean Rescue - 2017 Junior Lifeguard Program
- No. 73-2017** Appointment to the Borough Special Events Committee - Candace Mitchell
- No. 74-2017** Consideration of Bids Received for Construction of Sea Bright Pavilion

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

ORDINANCE(s):

Public Hearing: Mayor Long to read the ordinance by title:

ORDINANCE #05-2017
**AN ORDINANCE AMENDING CHAPTER 146, NUISANCES, ARTICLE II,
NOISE NUISANCES OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember _____ offered a motion to open the public hearing on Ordinance No. 05-2017, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Public Hearing (Ord. 05-2017)

Councilmember _____ offered a motion to close the public hearing on Ordinance No. 05-2017, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Councilmember _____ offered a motion to adopt Ordinance No. 05-2017 and advertise according to law, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Public Hearing: Mayor Long to read the ordinance by title:

ORDINANCE NO. 06-2017
**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 201,
"VEHICLES AND TRAFFIC",
OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember _____ offered a motion to open the public hearing on Ordinance No. 06-2017, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Public Hearing (Ord. 06-2017)

Councilmember _____ offered a motion to close the public hearing on Ordinance No. 06-2017, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Councilmember _____ offered a motion to adopt Ordinance No. 06-2017 and advertise according to law, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Public Hearing: Mayor Long to read the ordinance by title:

ORDINANCE #07-2017
AN ORDINANCE AMENDING CHAPTER 66, "BEACHES"
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

Councilmember _____ offered a motion to open the public hearing on Ordinance No. 07-2017, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Public Hearing (Ord. 07-2017)

Councilmember _____ offered a motion to close the public hearing on Ordinance No. 07-2017, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Councilmember _____ offered a motion to adopt Ordinance No. 07-2017 and advertise according to law, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Introduction: Mayor Long to read the ordinance by title:

ORDINANCE NO. 08-2017
AN ORDINANCE AMENDING CHAPTER 57, ALCOHOLIC BEVERAGES,
ARTICLE III, PROHIBITED ACTS OF THE CODE OF THE BOROUGH OF SEA BRIGHT

Councilmember _____ offered a motion to introduce Ordinance No. 08-2017 for a public hearing to be held on April 18, 2017 and advertise according to law; seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

Introduction: Mayor Long to read the ordinance by title:

ORDINANCE NO. 09-2017
AN ORDINANCE REVISING CHAPTER 38, SPECIAL EVENTS,
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

Councilmember _____ offered a motion to introduce Ordinance No. 09-2017 for a public hearing to be held on April 18, 2017 and advertise according to law; seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

INDIVIDUAL ACTION/New Business:

Vouchers: \$456,420.43

Councilmember _____ offered a motion to approve the Voucher List dated April 4, 2017 as submitted by the Finance Manager, seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

EXECUTIVE SESSION

Councilmember _____ offered a motion to enter into Closed Session; seconded by Councilmember _____

To discuss: Litigation

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

ADJOURNMENT

Councilmember _____ offered a motion to adjourn the meeting; seconded by Councilmember _____

Roll Call: Birdsall___ Keeler___ Kelly___ Lamia___ Leckstein ___ Rooney___

RESOLUTION No. 69-2017
OFFICE OF EMERGENCY MANAGEMENT
“MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR”
N.J.S.A. App.A:9-40.1

Councilmember introduced and offered for adoption the following Resolution; seconded by
Councilmember :

WHEREAS, the Borough Council of the Borough of Sea Bright, County of Monmouth of the State of New Jersey that the State of New Jersey Office of Emergency Management requires each municipal to appoint an “Emergency Management Coordinator”, and

WHEREAS, the Municipal Emergency Management Coordinator, Office of Emergency Management for the Borough shall serve a term of three years, and

WHEREAS, the Municipal Emergency Management Coordinator is responsible for the planning, activating, coordinating and the conduct of Emergency Management operations with the municipality; and

WHEREAS, it is the intention of the Borough Council of the Borough of Sea Bright to comply with the requirements set forth under the provision of N.J.S.A. App.A:9-40.1 of the State Disaster Control Act; and

WHEREAS, Mayor Dina Long submitted her resignation as Municipal Emergency Management Coordinator for the Borough of Sea Bright to the Borough Administrator effective April 1, 2017; and

WHEREAS, the Borough Council wishes to appoint Daniel J. Chernavsky, Patrolman, Sea Bright Police Department as the Municipal Emergency Management Coordinator for a three (3) year term commencing April 1, 2017; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright in the County of Monmouth, does hereby appoint Daniel J. Chernavsky as the “MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR” to serve a term of three (3) years, nunc pro tunc, from April 1, 2017 through March 31, 2020.

BE IT RESOLVED that the Borough Clerk is hereby authorized to forward a certified copy of this resolution to the following:

1. Monmouth County Sheriff's Office of Emergency Management
2. Borough of Sea Bright Office of Emergency Management
3. Chief of Police
4. Finance Manager
5. Daniel J. Chernavsky

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

April 4, 2017

CERTIFICATION

I, Chris Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council Meeting held April 4, 2017

Chris Pfeiffer, RMC
Borough Clerk

RESOLUTION No. 70-2017
AUTHORIZING 2017 FARMERS' MARKET
BOROUGH OF SEA BRIGHT

Councilmember introduced and offered the following resolution for approval;
seconded by Councilmember :

WHEREAS, the Borough Council believes the Sea Bright Farmers' Market will benefit the community, residents, businesses and visitors by providing a variety of goods and services from various local vendors; and

WHEREAS, Community Green Market Organizers who began the Farmers' Market in the Borough in the summer of 2014 have transferred the operations and management of the Farmers' Market to the Borough; and

WHEREAS, Linda Blevins and Sonya Cappillo, residents of Sea Bright, have volunteered to become the "community organizers" and custodians of record of the Sea Bright Farmers' Market; and

WHEREAS, the custodians of record will maintain and submit all related documents to the Borough Clerk; and

WHEREAS, all fees collected will be deposited within 48 hours in to the Recreation Trust; and

WHEREAS, the Borough of Sea Bright wishes to continue the Sea Bright Farmers' Market in the Borough on Thursdays beginning on June 1, 2017 thru September 30, 2017, between the hours 2pm to 7pm, rain or shine.

NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey hereby authorizes the 2017 Sea Bright Farmers' Market to operate in our community beginning on June 1, 2017 through September 30, 2017; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the following:

1. Borough Administrator
2. Borough Police Chief
3. Volunteer Organizers

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

April 4, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on April 4, 2017.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 71-2017
BOROUGH OF SEA BRIGHT
ESTABLISHMENT OF QUALIFICATIONS FOR THE SUBMISSION
OF BIDS FOR THE MUNICIPAL COMPLEX BUILDING.

Councilmember _____ introduced and offered the following resolution for approval; seconded by Councilmember _____ :

WHEREAS, the Borough's Consulting Architect has recommended that, in order to be eligible to submit a bid for the construction of the new municipal complex building, bidders should be classified by the New Jersey Department of Treasury, Division of Property Management and Construction, in either General Construction C008 or General Construction/Alterations and Additions C009; and

WHEREAS, N.J.S.A. 40A:11-25 provides that such pre-qualifications may be established after the publication of notice and the conduct of a hearing;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright that the Borough Clerk is hereby authorized and directed to publish the attached notice in two newspapers circulating in Monmouth County.

BE IT FURTHER RESOLVED that a hearing will be conducted on the proposed prequalification at the meeting of the Borough Council scheduled for Tuesday, May 2, 2017 at 7:00 p.m.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the following:

1. Borough Administrator
2. Borough Architect
3. Borough Attorney
4. Borough Engineer
5. Frank Lawrence

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

April 4, 2017

CERTIFICATION

I, Chris Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council Meeting held April 4, 2017.

Chris Pfeiffer, RMC
Borough Clerk

PUBLIC NOTICE

**BOROUGH OF SEA BRIGHT
MONMOUTH COUNTY**

Please be advised that the Borough Council of the Borough of Sea Bright will conduct a hearing, pursuant to N.J.S.A. 40A:11-25, at its regular meeting of Tuesday, May 2, 2017, at 7:00 p.m. at the Sea Bright Municipal Building, 1167 Ocean Avenue, Sea Bright, New Jersey. Such hearing shall be held to consider the inclusion of the following pre-qualification requirement in the specifications for the construction of a new municipal complex structure: "That, in order to be eligible to submit a bid for the project, the bidder shall be classified by the New Jersey Department of Treasury, Division of Property Management and Construction, in at least one of the following trades: C008 General Construction or C009 General Construction/Alterations and Additions."

Christine Pfeiffer, RMC
Borough Clerk
Borough of Sea Bright

RESOLUTION NO. 72-2017
SEA BRIGHT OCEAN RESCUE
2017 JUNIOR LIFEGUARD PROGRAM

Councilmember introduced and offered for adoption the following resolution; seconded by
Councilmember :

WHEREAS, since 2004, the Sea Bright Junior Lifeguard Program has provided a safe and fun way for children to learn about beach and ocean safety, improve upon their swimming abilities and develop high confidence levels in the surf and open water; and

WHEREAS, Sea Bright Beach Manager, Don Klein, has authorized the schedule and fees listed below for the 2017 Junior Life Guard Program; and

WHEREAS, there will be no refunds once a Junior Guard is registered; and

Junior Lifeguard Program

Age: Minimum age is 7 years old
Fee: \$160.00 for one session
\$275.00 for both sessions
Time: 9:00 am to 12:00 pm
Dates: **Session 1** July 10 – July 21 (M-F)
Session 2 July 24 – August 4 (M-F)

Junior Lifeguard "Nipper" Program (Session 3)

Age: Minimum age is 12 years old
(must have successfully completed Session 1 or 2)
Fee: \$150.00
Time: 9:00 am to 3:00 pm
Dates: August 7 - August 14 (M-F)
August 16 CPR/First Aid Certification Course and testing
August 18 - Nipper Ocean Qualification testing

WHEREAS, the monies collected from the Sea Bright Junior Lifeguard Program will be deposited in the Beach Trust account.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby authorize Beach Manager, Don Klein, to operate the Junior Lifeguard Program, as described above, and collect the appropriate fees to be deposited in the Beach Trust account; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Beach Manager
2. Finance Manager

Roll Call: Birdsell, Keeler, Kelly, Lamia, Leckstein, Rooney

April 4, 2017

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on April 4, 2017:

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 73-2017
APPOINTMENT TO THE BOROUGH
SPECIAL EVENTS COMMITTEE

Councilmember _____ introduced and offered for adoption the following resolution; seconded by Councilmember _____ :

WHEREAS, § 38-3 of Chapter 38 of the Borough's General Code states, if any of the municipal officials serving on the Special Events Committee shall hold more than one of the offices identified for membership, the Mayor shall be empowered to appoint another municipal official, other than a member of the Borough Council, to serve on the Special Events Committee so as to maintain the total membership at 11 individuals; and

WHEREAS, the offices of Chief of Police and Public Safety Director are held by the same individual, Chief John Sorrentino; and

WHEREAS, the Mayor would like to appoint **CANDACE MITCHELL** , Administrative Assistant in the Borough of Sea Bright as a voting member of the Special Events Committee to maintain a total membership of 11 individuals; and

WHEREAS, the above appointment requires the approval of the Borough Council in order to be made official;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, that Candace Mitchell be and is hereby appointed as a voting member of the Borough's Special Events Committee, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Candace Mitchell
2. Marc A. Leckstein
3. Secretary of the Special Events Committee

Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

April 4, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on April 4, 2017.

Christine Pfeiffer, Borough Clerk

RESOLUTION No. 74-2017
Consideration of Bids Received for
Construction of Sea Bright Pavilion

Councilmember offered the following resolution and moved its adoption; seconded
by Councilmember :

WHEREAS, on December 13, 2016, the Borough Council of the Borough of Sea Bright authorized the receipt of bids for the construction of the Sea Bright Pavilion; and

WHEREAS, the Borough Clerk did duly advertise on February 8, 2017 to receive bids for the construction of the Sea Bright Pavilion; and

WHEREAS, in connection therewith ten (10) bids were received by the Borough Clerk on March 30, 2017 from the following: 1) McCauley Construction Company, Long Branch, NJ for \$4,768,000.00; 2) Shorelands Construction Inc., Monmouth Beach, NJ for \$3,976,000.00; 3) Santorini Construction, Neptune, New Jersey for \$3,978,000.00; 4) Hall Building Construction, Farmingdale, NJ for \$4,185,000.00; 5) M&M Construction Company, Union, NJ for \$4,450,000.00; 6) Kappa Construction Corp., Ocean, NJ for \$4,145,000.00; 7) Epic Management Inc., Piscataway, NJ for \$5,127,000.00; 8) Kelso Construction Company, Inc., Manasquan, NJ for \$3,849,000.00; 9) Tri Form Construction, Metuchen, NJ for \$4,676,700.00; 10) G&P Parlamas, Inc., Neptune, NJ for \$4,473,518.00; and

WHEREAS, the Borough Architect and Borough Attorney reviewed the bid documents and determined that the lowest responsible bidder meeting specifications for this bid was Kelso Construction Company Inc.; and

WHEREAS, the Borough Architect recommends that a contract be awarded to Kelso Construction Company, Inc. of Manasquan, New Jersey as per their bid proposal for the construction of the Sea Bright Pavilion at a cost not to exceed \$3,849,000.00; and

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright do hereby certify that funds not to exceed \$3,849,000.00 are available for this contract in Bond Ordinance No. 15-2016 and Bond Ordinance No. 17-2016.

Michael J. Bascom

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, hereby awards the contract for the construction of the Sea Bright Pavilion to Kelso Construction Company, Inc., 2329 Route 34, Manasquan, New Jersey 08736, in an amount not to exceed \$3,849,000.00 as set forth in their bid proposal; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed one time in the "Asbury Park Press" newspaper.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to return all bid bonds and/or certified checks received from unsuccessful bidders; and

BE IT FURTHER RESOLVED that this award of contract is conditioned upon delivery and execution thereof within ten (10) days from the date of the within Resolution accompanied by such appropriate insurance certificate, affirmative action certificate and performance bonds as may be required by the specifications; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. All Bidders
2. Borough Engineer
3. Borough Architect
4. Frank Lawrence

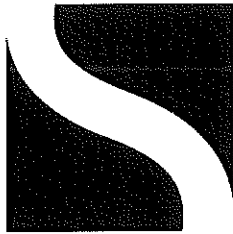
Roll Call: Birdsall, Keeler, Kelly, Lamia, Leckstein, Rooney

April 4, 2017

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on April 4, 2017.

Christine Pfeiffer, Borough Clerk



SETTEMBRINO
ARCHITECTS

25 Bridge Avenue, Suite 201
Red Bank, NJ 07701
(o) 732.741.4900
(f) 732.741.4977
www.settembrino.com

April 3, 2017

Mr. Joseph Verruni
Borough Administrator
The Borough of Sea Bright
1167 Ocean Avenue
Sea Bright, NJ 07760

**RE: New Beach Pavilion
Sea Bright, NJ 07760**

Letter of Recommendation

Dear Joe:

On Thursday, March 31, 2017, ten (10) bids were received for the above referenced project. A complete Bid Tab is attached for your review. The three (3) apparent lowest bidders are listed as follows:

New Beach Pavilion

<u>Company</u>	<u>Base Bid</u>
Kelso Construction Co., Inc.	\$3,849,000
Shorelands Construction Inc.	\$3,976,000
Santorini Construction	\$3,978,000

Kelso Construction Co., Inc. of Manasquan, NJ is the lowest qualified bidder. A review of this bid found all material documents were submitted as required. *Settembrino Architects would therefore recommend an award to Kelso Construction Co., Inc. in the bid amount of \$3,849,000 (Base Bid) which is less than the \$4,421,510 budget estimate, contingent upon availability of funds and counsel review.* It is important to note one (1) unallocated allowance of \$175,000 has been included in the base bid and will be returned to the borough as a Deduct Change Order if unused at the end of the project.

Please do not hesitate to call me with any questions or comments on my cell at 201-788-7417. We look forward to working with the Borough of Sea Bright towards an expeditious and successful project.

Sincerely

Kevin Settembrino, AIA, LEED AP
Principal

KMS/els

Cc: Frank Lawrence
Dina Long

The Borough of Sea Bright
Mayor, The Borough of Sea Bright

ORDINANCE NO. 05-2017

**AN ORDINANCE AMENDING CHAPTER 146, NUISANCES, ARTICLE II,
NOISE NUISANCES OF THE CODE OF THE BOROUGH OF SEA BRIGHT**

BE IT ORDAINED by the Borough Council of the Borough of Sea Bright in the County of Monmouth that Article II entitled "Noise Nuisances" of Chapter 146 entitled "Nuisances" of the Code of the Borough of Sea Bright is hereby amended in its entirety in the following manner:

SECTION I

Chapter 146, Nuisances, Article II, Noise Nuisances is hereby amended in its entirety as follows:

ARTICLE II: NOISE NUISANCES

§ 146-5. Noise Nuisances Prohibited

- A. It shall be unlawful for any person to make, continue or cause to be made or permitted any unnecessary and unreasonable loud, disturbing noise which is plainly audible and either annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the Borough. Such unlawful activity shall be considered a "noise nuisance" as further defined by § 146-7 of this Article.

- B. It shall be unlawful for any person on property owned by him or her or under lease or other arrangement to allow or give permission to any other person on the property to make, continue or cause to be made or permitted any unnecessary and unreasonable loud, disturbing noise which is plainly audible and either annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the Borough. Such unlawful activity shall be considered a "noise nuisance" as further defined by § 146-7 of this Article.

§ 146-6. Definitions.

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

A-WEIGHTING - means the sound level in decibels, reported as measured by a sound level measuring instrument having an "A"-weighting network.

ADVERTISEMENT DEVICES – Any generator of sound, whether it be human, a radio or other sound system, instrumental (including but certainly not limited to drums), mechanical or otherwise, which intends to attract the attention of the public to and/or acts as an advertisement of any business, sport, exhibition, entertainment, spectacle, undertaking, happening, occasion or any other event.

DECIBLES - means the practical unit of measurement for sound pressure level; abbreviated "dB".

CONTINUOUS SOUND - Any sound that is not impulsive sound.

EMERGENCY — Any work or action necessary to deliver essential public services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

IMPULSIVE SOUND - A single pressure peak or a single burst (multiple pressure peaks) that has duration of less than one second.

NOISE — Any sounds of such level and duration as to be or tend to be injurious to human health or welfare or which would unreasonably interfere with the enjoyment of life or property.

NOISE NUISANCE – As further defined within § 146-7 of this Article. However, any noise generated by an activity which has been granted a Special Event Permit pursuant to Chapter 38 of the Code of the Borough of Sea Bright shall not be considered a Noise Nuisance.

PERSON — Any corporation, company, association, society, firm, partnership and joint-stock company, as well as individuals.

PLAINLY AUDIBLE — Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound-amplification or -reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The enforcement officer need not determine the title, specific words, or the artist performing the song.

SOUND SOURCE — Any person, animal, device, operation, process, activity or phenomenon which emits or causes noise.

§ 146-7. Definition of noise nuisances.

The following acts are declared to be loud, disturbing and unnecessary noise nuisances in violation of this article but said enumeration shall not be deemed to be exclusive, namely:

- A. Radio, phonograph, instrument, singing . The playing of any radio, phonograph or musical instrument or singing in such a manner or in such volume as to annoy or disturb the quiet, comfort or repose of persons within or outside of any dwelling, hotel or other type of residence, particularly during the hours between 10:00 p.m. and 8:00 a.m. of the following morning.
- B. Animals and birds. The owning, harboring or keeping of any animal or bird which has been causing or causes frequent or long-continued noise which disturbs the comfort and repose of any person within the vicinity. "Frequent or long-continued noise" means continually for 10 minutes or intermittently for 30 minutes, unless provoked.
- C. Shouting. The excessive shouting, screaming or loud talking of peddlers, hawkers, vendors, patrons, or others who disturb the peace and quiet of the neighborhood.
- D. Advertisement devices. The operation, particularly during the hours between 10:00 pm and 8:00 am of the following morning of any advertisement device within any building or on any premises, or on the sidewalks, streets and highways or other public places of the Borough, whereby the sound is cast directly or indirectly upon any public street or place and can be heard to the annoyance or inconvenience of persons upon any street or public place or in neighboring premises.
- E. Horns and signals. The sounding of any horn or signal device on any automobile or other vehicle while not in motion for any unnecessary or unreasonable period of time, except as a danger signal.
- F. Muffler exhaust. The generation of loud sound as a result of the discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine or motor vehicle, except through a properly functioning muffler or other device which will

effectively prevent loud or explosive noises therefrom. Such sound generation shall not be considered a nuisance if occurring during the course of a Vehicle Repair, as defined within and subject to the limitations of Paragraph O of this section.

- G. Construction. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure from 7:00 p.m. on Friday until 8:00 a.m. Saturday, from 7:00 p.m. Saturday until 7:00 a.m. on Monday, and on Mondays through Fridays from 7:00 p.m. until 7:00 a.m. Commercial construction shall not be allowed on Sundays at any time. Exceptions may be made if urgent necessity is in the interest of public health and safety. If the nature of the emergency will prohibit the prior procurement of a permit the work shall only proceed in accordance with a permit first obtained from the Chief of Police or his/her respective designees. These regulations shall also apply to the delivery, removal or emptying of construction dumpsters and roll-off containers.
- H. Loading and unloading. The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates and containers.
- I. Interfering with work in institutions. The creation of excessive noise in or on the grounds of any school, church, synagogue, hospital, institution of learning, court, public building or place of public assembly, or on any street adjacent to such grounds, places or buildings, while the same are in use and which unreasonably interferes with the working of the institution or place or unduly annoys persons therein.
- J. Tools and equipment. The operation or use of any power lawn mower, chainsaw, fence-post driller, saw, grinder, drill, garden equipment, snow blowers, leaf blowers or the like, between the hours of 8:00 p.m. and 7:00 a.m. of the following morning.
- K. Buses, trucks or tractors. The unnecessary warming up or idling of buses, trucks or tractors and the unnecessary and repeated idling, acceleration and deceleration or starting and stopping of automobiles and motorcycles.

- L. Outdoor concerts. Outdoor concerts, except in accordance with a Special Event Permit pursuant to Chapter 38 of the Code of the Borough of Sea Bright, or in conjunction with a commercial establishment upon its property provided the commercial establishment is in compliance with the limitations of Paragraphs (A) and (C) of this Section.
- M. Vehicle noises. The use of an automobile, motorcycle or vehicle so out of repair or so loaded that it creates loud and unnecessary grating, grinding, rattling or other noise. Such sound generation shall not be considered a nuisance if occurring during the course of a Vehicle Repair, as defined within and subject to the limitations of Paragraph O of this Section.
- N. Powered model vehicles. The operating or permitting the operation of powered model vehicles between the hours of 8:00 p.m. and 8:00 a.m. of the following morning.
- O. Vehicle repair. The repairing, rebuilding, modifying or testing of any motor vehicle or off-road vehicle in or near a residential district in such a manner as to cause disturbance of the repose of others between the hours of 8:00 p.m. and 8:00 a.m. of the following morning.
- P. Impulsive Sounds – Impulsive sounds which exceed the decibel readings set forth in § 146-8(B) of this Article.
- Q. Other noises. Any other continuous noise not enumerated above which is unreasonably loud, disturbing, unnecessary, and which annoys, injures or endangers the comfort, repose, health or welfare of others within the limits of the Borough.

§ 146-8. Maximum permissible sound levels for certain nuisances.

- A. No person shall cause, suffer, allow, or permit the operation of any source of sound as defined in Paragraphs A, G, H and L of § 146-7 of this Article in such a manner as to create a sound level that equals or exceeds 65 dB during the hours of 8:00 am through 10:00 pm and 50 dB from the hours of 10:00 p.m. through 8:00 a.m. of the following morning when measured at least 50 feet from the real property line of the source property, or 55 dB during the hours of 8:00 a.m. through 10:00 p.m. and 40 dB during the hours of 10:00 pm through 8:00 a.m.

of the following morning, as measured within the premises of the receptor, when the source and the receptor share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

- B. Impulsive sound. Between 8:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 dB. Between 10:00 p.m. and 8:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 dB. Decibel readings shall be measured at least 50 feet from the real property line of the source property or from within the premises of the receptor, when the source and the receptor share a common or abutting wall, floor or ceiling, or are on the same parcel of property. Impulsive sound which repeats four or more times in any hour shall be treated as continuous sound and be considered a noise nuisance if meeting one of the definitions contained within Paragraphs B, C, D, E F, I, J, K, M, N, O and Q of § 146-7 of this Article.

§ 146-9. Proof of violation.

- A. Proof of violation of Paragraphs A, G, H, L of § 146-7 of this Article shall be determined when the dB levels set forth in § 146-8(A) of this Article have been exceeded as measured at the distances stated therein.
- B. Proof of violation of Paragraph P of § 146-7 of this Article shall be determined when the dB levels set forth in § 146-8(B) of this Article have been exceeded as measured at the distances stated therein.
- C. Proof of violation of Paragraphs B, C, D, E, F, I, J, K, M, N, O and Q of § 146-7 of this Article shall be determined by plainly audible means as detected at more than fifty (50) feet from the property line from which the noise nuisance is emanating or from within the receptor's premises in the event the source and the receptor share a common or abutting wall, floor or ceiling or are on the same property.

§ 146-10. Violations and penalties.

Any person found guilty of violating any provision of this article shall be subject to the following penalty schedule:

First Offense: A fine not to exceed \$ 200.00.

Second Offense: A fine not to exceed \$ 500.00.

Third Offense: A fine not to exceed \$ 1,250.00.

Fourth or Greater Offense:

- (a) A fine not to exceed \$ 1,250.00; and/or
- (b) a period of community service not exceeding 90 days; and/or
- (c) Imprisonment for any term not exceeding 90 days.

Each day of violation shall constitute an additional, separate and distinct offense. However, no subsequent offense shall apply unless it has occurred within five (5) months of the previous offense. Any offense occurring more than five (5) months after the previous offense shall be considered a First Offense.

§ 146-11. Permits; fees.

- A. The Borough official, officer or employee charged with the responsibility of issuing permits for the activities requiring permits in accordance with Paragraph G of § 146-7 of this Article shall issue permits for such activities if such officer shall find that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others; that the activities will not violate any other ordinance or law or create a public nuisance; and that the public health and safety will not be endangered thereby.
- B. Permits shall specify the dates and hours of the permitted activities.
- C. The issuing agents are authorized to adopt and use such forms of application and permits as may be reasonably required in the performance of their duties. Each application for a permit shall be accompanied by the applicable fee or a fee of \$20 if no other fee has been established, which shall be payable to the Borough of Sea Bright.

§ 146-12. Appeal of denial of permit.

An applicant for a permit pursuant to Paragraph G of § 146-7 of this Article shall have the right to appeal to the Borough Council from the denial of the permit by the applicable municipal official. Such appeal shall be taken by filing a written notice of appeal addressed to the Borough Council. Such notice shall be filed within three days after the issuing officer shall have notified the applicant of the denial of the permit. The Borough Council shall act upon the appeal at its next regularly scheduled meeting after receiving the notice thereof and shall give the applicant an opportunity to be heard before taking action. The Borough council may affirm or reverse the issuing officer's denial of the permit or may grant the permit with modifications or conditions.

§ 146-13. Enforcement.

- A. It shall be the duty of the Police Department of the Borough to enforce the provisions of this article. In addition to public law enforcement officers and others who by law are entitled to enforce or bring complaints under this article, the officers who are designated hereunder for the issuance of permits, as well as the Borough License Officer and Health Officer, or their designees, shall have the power to enforce and bring complaints under this article.
- B. A violation of this article shall be cause for a summons and complaint to be issued forthwith, and failure to desist upon being warned by an enforcement officer shall constitute an additional separate offense; provided, however, that if the noise source is not a readily identifiable individual or a motor vehicle moving on a public right-of-way, in lieu of a summons and complaint, enforcement personnel may issue a twenty-four-hour notice, in writing, which may be served personally or by certified mail to the last-known address of the person or persons in charge of or in control of the device, building or premises producing the noise, to abate said violation of this article. Failure to comply with this order so issued and served shall constitute an additional violation of this article.

SECTION II: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies

SECTION III: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION IV: This Ordinance shall take effect immediately upon its passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on March 21, 2017 and will be further considered after a Public Hearing held on April 4, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED: March 21, 2017

PUBLIC HEARING: April 4, 2017

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

DINA LONG, MAYOR

ORDINANCE NO. 06-2017

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 201, "VEHICLES AND TRAFFIC", OF THE CODE OF THE BOROUGH OF SEA BRIGHT.

BE IT ORDAINED by the Borough Council of the Borough Sea Bright in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE: Chapter 201, "Vehicles and Traffic", of the Code of the Borough of Sea Bright, be and the same is hereby amended and supplemented to read, in full, as follows:

"Chapter 201. Vehicles and Traffic

Article I. Traffic and Parking

§ 201-1. One-way streets.

The following roadways are hereby established as one-way streets:

Name of Street	Direction of Travel	Location
Beach Street	Westbound	Entire length
East Surf Street	Eastbound	Entire length
Front Street	Northbound Surf Street	Between Beach Street and
Front Street	Southbound Surf Street	Between Beach Street and
New Street	Westbound	Entire length
Riverview Place Extension	Eastbound and Ocean Avenue	Between Riverview Place
Surf Street	Eastbound	Entire length
Tradewinds Lane	Southbound	Entire length
Village Road	Counterclockwise	Entire length
Wayne Street	Southbound Borough Hall	From East Surf Street to the north perimeter of the parking lot behind
West Ocean Avenue	Southbound Center Street	Between Surf Street and Center Street

§ 201-2. Prohibited parking.

No person shall park a vehicle at any time on the following described streets or parts thereof on the side designated:

Name of Street	Side	Location
Bellevue Place	Both	Entire length
East Surf Street	Both	Entire length
Front Street	West	Entire length
Mountainview Way	Both	Entire length
Sandpiper Lane	Both	Entire length and cul-de-sac
South Street	South	Entire length
Surf Street	North	Entire length
Village Road	Both	North section

Village Road	Both	South section
Village Road	West	East section
Waterview Way	Both	From westerly end of street eastward to intersection of North Way
Wayne Street	East	Entire length
Willow Way	Both	Entire length

§ 201-3. Prohibited parking of certain vehicles.

- A. No vehicle over 17 feet long and six feet seven inches in width shall be parked on either side of any side street of the Borough of Sea Bright between the hours of 6:00 p.m. and 6:00 a.m. of any day of the week.
- B. The words "side street" shall include all streets in the Borough with the exception of State Highway 36 (Ocean Avenue).
- C. "Vehicle," as used in this section, shall mean any motor vehicle that is required by law to bear any license plate for passenger car use. Also, any motor vehicle which, by reason of a characteristic, coloring or marking exceeding one square foot in area, is identified or commonly associated with any business, industry or public agency shall be considered a vehicle within the terms of this section. A passenger car used in business by a resident shall be considered a "vehicle" for purposes of this section.
- D. No recreational vehicles shall be permitted in any Borough-owned parking lot or on any Borough street between the hours of 6:00 p.m. and 6:00 a.m.

§ 201-4. Regulations governing Route 36.

- A. No stopping or standing is permitted along both sides of Route 36 from County Road 520 North to the Bridge and Center Street South to Monmouth Beach.
- B. Parking is established as follows:
 - (1) Northbound on Route 36, two-hour time limit parking between 10:00 a.m. and 6:00 p.m., Sunday through Saturday, including holidays from May 1 through October 1 of each year.
 - (a) Beginning at the northerly curb line of East Church Street extending 220 feet northerly therefrom.
 - (b) Beginning at the northerly curb line of River Street and extending 555 feet northerly therefrom.
 - (2) Southbound on Route 36, thirty-minute limit parking between 10:00 a.m. and 6:00 p.m., Sunday through Saturday, including holidays.

- (a) Beginning at a point 395 feet south of the southerly curb line of Rumson Road (County Road 520) and extending to the northerly curb line of Surf Street.

C. Bus stops:

- (1) Northbound Route 36 at curb south of River Street, no parking in designated area.

D. Speed limits. The rate of speed designated for State Highway Route NJ 36/Ocean Avenue in Sea Bright Borough shall be established and adopted as the maximum legal rate of speed:

- (1) For both directions of traffic from September 15 to May 15 annually:
 - (a) Zone 1: 40 miles per hour between the Monmouth Beach Borough-Sea Bright Borough corporate line and Marius Lane (approximate mileposts 8:00 to 8:82).
 - (b) Zone 2: 30 miles per hour between Marius Lane and 500 feet north of Rumson Road (County Road 520) (approximate mileposts 8:82 to 9:38).
 - (c) Zone 3: 40 miles per hour between 500 feet north of Rumson Road (County Road 520) and the Sea Bright Borough-Highlands Borough corporate line (approximate mileposts 9:38 to 11.68).
- (2) For both directions of traffic from May 15 to September 15 annually:
 - (a) Zone 1: 35 miles per hour between the Monmouth Beach Borough-Sea Bright corporate line and Marius Lane (approximate mileposts 8.00 to 8.82).
 - (b) Zone 2: 30 miles per hour between Marius Lane and 500 feet north of Rumson Road (County Road 520) (approximate mileposts 8.82 to 9.38).
 - (c) Zone 3: 35 miles per hour between 500 feet north of Rumson Road (County Road 520) and the Sea Bright Borough-Highlands Borough corporate line (approximate mileposts 9.38 to 11.68).

§ 201-5. Regulations governing East Ocean Avenue.

A. General parking.

- (1) All vehicles shall be parked in designated areas and between the lines provided.

- (2) No person shall park a vehicle for longer than the time limit upon any of the streets or parts of streets described below:

Name of Street	Sides	Time Limit	Location
East Ocean Avenue	Both	2 hours, 10:00 a.m. to 6:00 p.m., May 1 to October 1	Church Street to E. Surf Street

- (3) Handicapped parking:

(a) All stalls shall be 12 feet wide and signed with the R7-8 and R7-8P (reserved parking sign and penalty plate) in the designated parking areas for persons who have been issued the handicapped parking permits by the Motor Vehicle Commission.

(b) East Ocean Avenue on the northbound easterly side, first parking stall south of East Church Street; East Ocean Avenue on the northbound easterly side stalls four and five south of Wayne Street to be designated as one "Handicap/Van Accessible."

- (4) Angle parking. Angle parking shall be established on the following streets:

Name of Street	Side	Type	Location
East Ocean Avenue	East	45°	Between Rt. NJ 36 (Ocean Avenue) and East Surf Street

- B. Stop intersections. The following described intersections are hereby designated as stop intersections. Stop signs shall be installed as provided herein.

Intersection	Stop Sign(s) On
East Ocean Avenue and East New Street	East New Street
East Ocean Avenue and East Church Street	East Ocean Avenue (both approaches)

- C. One-way streets. The following described streets or parts of streets are hereby designated as one-way streets:

Name of Street	Direction	Limits	Parking Prohibited
East Ocean Avenue	North	Between Rt. N.J. 36 (Ocean Avenue) and East Surf Street	West side

- D. Speed limits.

- (1) The speed limit for both directions of travel on the following roadways shall be:

Name of Street	Speed limit (mph)	Limits
East Ocean Avenue	15	Entire length

(2) Regulatory and warning signs shall be erected and maintained to affect the above-designated speed limits.

E. Tow-away zones. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, fire zones, loading zones, oil fills, any grassy area or pedestrian walkway or to present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's expense.

F. All signs, posts or other necessary materials installed by the Borough shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and 39:4-183.27.

G. Thirty-minute parking.

(1) Two thirty-minute parking spots on the northbound easterly side, first two parking stalls north of East New Street.

§ 201-6. Regulations governing West Ocean Avenue.

A. General parking.

(1) All vehicles shall be parked in designated areas and between the lines provided.

(2) No person shall park a vehicle for longer than the time limit upon any of the streets or parts of streets described below:

Name of Street	Sides	Time Limit	Location
West Ocean Avenue	West	2 hours, 10:00 a.m. to 6:00 p.m., May 1 to October 1	Surf Street to Center Street

(3) Handicapped parking:

(a) All stalls shall be 12 feet wide and signed with the R7-8 and R7-8P (reserved parking sign and penalty plate) in the designated parking areas for persons who have been issued the handicapped parking permits by the Motor Vehicle Commission.

(b) Location: West Ocean Avenue, first two parking stalls south of Beach Street.

(4) Angle parking: Angle parking shall be established on the following streets:

Name of Street	Side	Type	Location
West Ocean Avenue	West	45°	Surf Street to Center Street

- B. Stop intersections. The following described intersections are hereby designated as stop intersections. Stop signs shall be installed as provided herein.

Intersection	Stop Sign(s) On
West Ocean Avenue and Center Street	Center Street

- C. One-way streets. The following described streets or parts of streets are hereby designated as one-way streets:

Name of Street	Direction	Limits	Parking Prohibited
West Ocean Avenue	South	From Surf Street to Center Street	East side

- D. Speed limits.

- (1) The speed limit for the direction of travel on the following roadway shall be:

Name of Street	Speed Limit (mph)	Limits
West Ocean Avenue	15	Entire length

- (2) Regulatory and warning signs shall be erected and maintained to effect the above-designated speed limits.

- E. Tow-away zones. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, fire zones, loading zones, oil fills, any grassy area or pedestrian walkway, or to present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's expense.

- F. All signs, posts or other necessary materials installed by the Borough shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and 39:4-183.27.

§ 201-7. Loading and unloading.

- A. All loading and unloading of trucks and delivery vehicles shall be made with such trucks or vehicles parked parallel with the curb line.

- B. Loading zones. The locations described below are hereby designated as loading zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials.

Streets	Time	Sides	Location
Beach Street	7:00 a.m. to 3:00 p.m.	South west thereof	From Ocean Avenue to a point 135 feet
East Surf Street	8:00 a.m. to 6:00 p.m.	South	25 feet east from the apex (corner) of East Ocean Avenue and East Surf Street

East Surf Street 8:00 a.m. to 6:00 p.m. South

25 west from the apex (corner) of
Wayne Street and East Surf Street

§ 201-8. Reserved.

§ 201-8.1 Pay to Park Areas.

- A. No person shall park a vehicle in municipality regulated pay to park areas without paying the required parking fee.
- B. Parking of vehicles in municipally regulated pay to park areas shall be permitted at such rates for paid parking as set forth in rules and regulations adopted by Resolution of the Mayor and Council.

Article II. (Emergency) Street Clearance

§ 201-9. Declaration of emergency.

Upon declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary emergency no-parking signs are displayed. The Chief of Police or, in his absence, the ranking police officer is authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic. Notification that the 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.

§ 201-10. Removal of illegally parked vehicles; redemption fee.

Any unoccupied vehicle parked or standing 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 said vehicle. The owner shall pay the reasonable cost of the removal and storage which may result from such removal before regaining possession of the vehicle.

§ 201-11. Signs.

The effectiveness of this chapter is contingent on signs being erected as required by law.

Article III. Street Cleaning

§ 201-12. No parking on streets designated for street cleaning.

There shall be no parking upon streets or sections of streets or sections of streets where signs are posted indicating no parking as designated for street cleaning.

§ 201-13. Reserved.

Article IV. Municipal Parking

§ 201-14. Definitions.

For purposes of this article, the following definitions shall apply:

MUNICIPAL PARKING AREAS

Includes:

- A. The municipal parking lot owned and operated by the Borough of Sea Bright situated on the easterly side of Ocean Avenue adjacent to the police and fire stations and on which the Beach Pavilion/Library and the Municipal Complex are to be situated.
- B. The Peninsula-House Lot which shall mean the municipally owned parking lot owned and operated by the Borough of Sea Bright situated on the easterly side of Ocean Avenue north of the municipal parking lot but directly contiguous to it.
- C. The Anchorage lot.
- D. The municipal parking lot located behind Borough Hall at the intersection of East Center Street and Wayne Street.
- E Any other municipal parking lot owned or operated by the Borough of Sea Bright.

§ 201-15. Parking regulations.

The Chief of Police shall cause lines or appropriate markings to be painted upon the surface of the municipal parking areas, outlining and designating each parking space, and each and every vehicle shall be parked within said lines or markings. It shall be unlawful for any operator to park any vehicle outside of said lines or markings or to park any vehicle in such a position that it shall not be entirely within the space designated by such lines or markings within the municipal parking areas. Parking within the Peninsula-House Lot, which generally does not have painted designated parking areas, shall be at the direction of a representative of the Police Department when the lot is used for parking purposes. It shall be illegal to park any vehicle within the Peninsula-House Lot in a manner inconsistent with the direction of a representative of the Police Department.

§ 201-16. Type of vehicles; parking allowed.

The parking of vehicles in any of the municipal parking areas covered by this article shall be limited to any types of vehicles commonly referred to as private passenger

automobiles, motorcycles, motor scooters and light commercial vehicles not in excess of 25 feet in length. It shall be unlawful to park any other vehicle thereon.

§ 201-17. Prohibited hours for parking; exceptions.

- A. No parking shall be allowed within the municipal parking areas from May 1 to October 1, other than for emergencies, between the hours of 2:00 a.m. and 7:00 a.m.
- B. No parking shall be allowed other than as set forth herein between the hours of 7:00 a.m. and 2:00 a.m., except as designated.

§ 201-18. Reserved Parking Lot For Borough Employees.

The following parking spaces shall be reserved as indicated in the municipal parking lot located behind Borough Hall:

- A. Eight reserved parking spaces for Borough employee parking, Monday through Friday, 8:00 a.m. to 5:00 p.m.

§ 201-19. Removal and storage of vehicles; responsibility for fees and fines.

If any vehicle is parked in any parking lot or area, as herein referred, in violation of any of the provisions of this article, the Police Department may cause such vehicle to be removed to such place as is designated by the Chief of Police or his designee. The owner or operator of any such vehicle so removed shall be responsible for the reasonable costs and expenses of such removal and storage which may result therefrom, and any person, firm or corporation desiring to claim such motor vehicle may do so by first paying the parking fine and then paying the costs and expenses of such removal and storage.

Article V. Removal of Vehicles for Plowing of Streets

§ 201-20. Parking prohibited on certain streets.

- A. Parking is prohibited on all streets in the Borough where signs have been erected indicating such prohibition for purposes of snowplowing by the Borough.
- B. Any unoccupied vehicle parked or standing in violation of this article shall be deemed a nuisance and any police officer may provide for the removal and subsequent storage of said vehicle. The owner shall pay the reasonable costs incidental to said removal and storage before regaining possession of the vehicle.

Article VI. Handicapped Parking

§ 201-21. Definitions.

As used in this article, the following terms have the following meanings:

HANDICAPPED PARKING SPACE

Any parking space marked with a white striped outline and designated by a sign that contains the reserved parking with universal handicapped symbol in accordance with the R7-8 and R7-8P reserved parking sign and penalty plate of the current Manual on Uniform Traffic Control Devices.

§ 201-22. Handicapped parking spaces to be provided.

The Borough of Sea Bright shall maintain handicapped parking places at the following locations:

Parking Area	Location
East Ocean Avenue Municipal Parking Lot	Three parking spaces on the easterly side of the lot at its intersection with East Church Street
Main Municipal Lot	Five spaces closest to the entrance area to the Borough Beach Two parking spots closest to the bus stop shelter fronting on Ocean Avenue at River Street Two parking spaces closest to the library handicapped access ramp fronting the library building
Peninsula House Municipal Parking Lot	Four parking spaces closest to the entrance area to the Borough Beach Four parking spaces located to the entrance onto State Highway Route N. 36 on the south side
Wayne Street Municipal Parking Lot	Two parking spaces in the southwestern corner of the lot

§ 201-23. Restricted parking spaces.

Parking spaces restricted to occupants of the following premises shall be maintained as follows:

Name of Street	Location
15 Church Street	North side
17 Church Street	North side

§ 201-24. Construction guidelines; signs.

Parking spaces for the handicapped shall be constructed and marked with signs in accordance with the Uniform Construction Code of the State of New Jersey, Barrier Free Subcode.

§ 201-25. Parking prohibited without identification marker.

No person shall park a vehicle in any parking space designated and marked as being set aside for the handicapped in any public or private parking facility unless said vehicle shall have affixed thereto an identification certificate or marker issued by the New Jersey Motor Vehicle Commission. Parking in a handicapped space without the aforesaid identification shall create a rebuttable presumption that use of the space was not for the handicapped.

Article VII. Mid-Block Crosswalks

§ 201-26. Mid-block crosswalks designated.

The following mid-block crosswalks are established in the locations indicated:

1. 1566 Ocean Avenue, by northern entrance.
2. Islandview Way, northern corner of intersection.
3. Imbrie Place, northern corner of intersection.
4. 1340 Ocean Avenue & Tradewinds Lane. Northern entrance to 1340.
5. Village Road, southern entrance.
6. New Street, southern corner of intersection.
7. Church Street, southern corner of intersection.
8. Peninsula Avenue, southern corner of intersection.
9. 960 Ocean Avenue Lot, by southern entrance.
10. Sands Beach Club, 825 Ocean Avenue.
11. Ship Ahoy Beach Club, 801 Ocean Avenue,
12. 700 Ocean Avenue.
13. Riverview Place, southern intersection with Ocean Avenue.
14. Shrewsbury Way, northern corner of intersection.
15. Beach Way, southern corner of intersection.
16. 344 Ocean Avenue, by northern entrance.
17. 280 Ocean Avenue, old Quay.
18. Mountainview Way, southern corner of intersection.

§ 201-27. through § 201-30. (Reserved)

Article VIII. Residential Permit Parking

§ 201-31. Rules and regulations.

- A. Resident parking permit restrictions shall be established on streets where there has been demonstrated an ongoing, excessive and daily problem which creates a hardship and public safety issues for residents of a municipal street. The purpose of the residential permit parking program is to establish a residential parking program in those areas of the Borough in order to facilitate and make more convenient parking within the Borough for persons who reside in those residential areas; to protect residential areas from excessive traffic and parking demand caused by the entry of vehicles from outside that residential neighborhood; to protect residents from unreasonable burdens in gaining access to their residences; and to identify the areas of the Borough where residential parking is preserved so as to not interfere with the provision of parking for the general public. The streets and portions of streets identified in § 201-38 are hereby designated as "residential permit parking only" parking zones.
- B. A residential parking permit of a design specified by the Sea Bright Police Department will be issued to residents of Sea Bright who own or lease a motor vehicle.
- C. Application for residential parking permits shall be made on a form issued by the Sea Bright Police Department. Proof of residency of the owner or lessee of a vehicle must be presented when applying for a permit. The following is proof of residency: a copy of a valid New Jersey driver's license reflecting an address on a street upon which the permit parking restrictions are imposed in the Borough of Sea Bright, and a copy of a valid New Jersey motor vehicle registration for which the permit is sought, showing an address on a street upon which the permit parking restrictions are imposed. In the case of a vehicle claimed to be leased and used by a Sea Bright resident, a copy of the automobile lease shall be presented to the Borough in lieu of the New Jersey motor vehicle registration. Completed applications shall be submitted to the Sea Bright Police Department. Applications submitted without a copy of a driver's license and vehicle registration or lease shall not be processed.
- D. Permit applications shall be available at the Sea Bright Police Department.
- E. The resident's placard is to be placed on the rear view mirror and should be visible at all times while parked in a Permit Zone.
- F. There shall be no visitor permits issued.
- G. The sale or transfer of a permit is prohibited by anyone other than the Sea Bright Police Department.

H. There shall be a maximum of two parking permits issued for each residential dwelling unit.

I. The issuance of a resident parking permit does not guarantee parking.

§ 201-32. Abuse of permit.

Residential parking permits are subject to revocation for the following:

A. If any such permit is used on any vehicle to which it is not registered under this section.

B. Willfully providing any false or inaccurate information for the purpose of obtaining a permit hereunder.

§ 201-33. Reproduction of residential parking permits prohibited.

A. No person, unless authorized by the Borough of Sea Bright, shall:

(1) Copy, reproduce or otherwise create a resident parking permit authorized by § 201-31 above.

(2) Create a facsimile or counterfeit resident parking permit.

(3) Display or use a residential parking permit knowing the same to have been copied, reproduced or otherwise created in violation of Subsections A or B of this section.

B. No person shall furnish false information or fraudulent documents in connection with an application for a residential parking permit.

C. Any person violating the provisions of Subsections A and B of this section is subject to a fine not to exceed \$300 and forfeits the right to receive or use a residential parking permit under this chapter for a period of three years.

D. No residential parking permit shall be issued to a person with three or more outstanding summonses for violations of this chapter.

§ 201-34. Term of permits.

Residential parking permits shall be valid from May 1 thru October 1 of each year as indicated on the parking permit placard. Any vehicle bearing an expired residential parking permit and parking on a street posted as "Residential Permit Parking Only" shall be subject to the penalty as a vehicle parked on the street without a resident permit as set forth in § 201-36 below.

§ 201-35. Exemptions.

The prohibition set forth in § 201-38 below shall not apply to the following:

- A. Contractor/service and delivery vehicles. Contractor, service and delivery vehicles bearing the name and address of a commercial business may park adjacent to the residential premises where they are working without a permit during the times they are rendering service.
- B. Emergency and utility vehicles. Emergency vehicles, municipal vehicles, gas, electric, telecommunications and other similar vehicles may park within the Borough during times they are rendering service or repairs within the Borough.
- C. Health care providers. Health care providers may park their vehicles within the Borough during the times they are rendering assistance or health care service to residents of the Borough. "Health care provider" is defined as a nurse, home health aide, physical therapist or any other medical professional. A health care provider can obtain a badge to display on his or her windshield from the Sea Bright Police Department. Such a badge is not transferrable to another health care provider. Such badges may be issued on a daily or monthly basis by the Sea Bright Police Department.

§ 201-36. Violations and penalties.

- A. Any vehicle parked on a street posted "residential permit parking only" without a valid residential parking permit shall be subject to a parking fine of \$50.
- B. Any violation of § 201-32 above shall result in the offending person being subject to a fine in the amount of \$150 for a first offense and \$300 for each subsequent offense thereafter.
- C. The possession of a residential parking permit does not exempt the resident from obeying all traffic rules, regulations and ordinances, including but not limited to parking too close to stop signs or intersections.
- D. The Sea Bright Police Department may remove and impound any vehicles which are parked in violation of this article. The cost of said removal shall be borne by the vehicle owner or lessee.

§ 201-37. Enforcement.

- A. The Sea Bright Police Department shall have the authority to issue summonses for violations of this article.
- B. Enforcement of this article shall be under the jurisdiction of either the Sea Bright Police Department and/or Chief of Police of the Sea Bright Police Department.

§ 201-38. Residential permit parking designated.

- A. No person shall park or cause to be parked any vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit issued by the Borough of Sea Bright is displayed on said vehicle for those streets or parts of streets as described or listed with the following sections:

Name of Street	Side
Beach Street	North/South
Beach Way	North
Center Street	North/South
Church Street	North/South
East Church Street	North/South
East New Street	South
Front Street	East
New Street	North/South
Normandy Place	East
North Way	East
Peninsula Avenue	North/South
River Street	North/South
South Street	North
Surf Street	South
Via Ripa	South
Waterview Way	North

- B. Effective 24 hours a day, seven days a week, the side or sides of every designated street will be limited to resident permit parking only. These zones are valid only for vehicles displaying a valid resident parking permit and are indicated by signage.

Article IX. Business Permit Parking

§ 201-39. Rules and regulations.

- A. The purpose of the business permit parking program is to establish a parking program in those business areas of the Borough in order to facilitate and make more convenient parking within the Borough for persons who work in the commercial areas of the Borough; to protect residential areas from excessive traffic and parking demands caused by the entry of business vehicles from outside the residential neighborhood; and to identify the areas of the Borough where business parking is preserved so as to not interfere with the provision of parking for the general public.
- B. Application for business parking permits shall be made on a form issued by the Sea Bright Police Department. All applicants shall identify the location of their

business in the Borough, as well as the vehicles that may utilize the parking permit. The businesses that do not have on-site parking that are located in the B-1 Central Business District area of the Borough shall be eligible to apply for a business parking permit provided they show proof of a valid mercantile license for the current year. The issuance of a business parking permit is not a representation by the Borough of a guaranteed parking space for the business that is issued such a parking permit. Completed applications shall be submitted to the Sea Bright Police Department.

- C. The business parking permits shall be issued by the Sea Bright Police Department. Applicants shall supply the following information: business name, address and telephone number; a copy of a valid mercantile license for the current year; number of permits requested; license plate and owner of vehicles who are employed at the business who shall be the sole users of these permits; and such other information as deemed necessary by the Sea Bright Police Department. A vehicle that is not properly registered and licensed in the State of New Jersey shall not be permitted to use a business parking permit. Permitted vehicles shall be private passenger automobiles, motorcycles, motor scooters and light commercial vehicles not in excess of 25 feet in length. It shall be unlawful to park any other vehicle.
- D. Permit applications shall be available at the Sea Bright Police Department.
- E. The business parking permit placard is to be placed on the rear-view mirror of the vehicle for the business that has been issued the permit.
- F. The cost of the permit shall be \$75 per permit. The fees collected shall be used to offset the cost of administering this program.
- G. The sale or transfer of a permit is prohibited by anyone other than the Sea Bright Police Department. Permits are only valid for the business they are issued to by the Borough Police Department.
- H. There shall be a maximum of five parking permits issued for each business applicant without on-site parking available.

§ 201-40. Abuse of permit.

Business parking permits are subject to revocation for the following:

- A. If any such permit is used on any vehicle that it is not regulated to the business to which the permit was issued.
- B. Willfully providing any false or inaccurate information for the purpose of obtaining a permit hereunder.

§ 201-41. Reproduction of permits.

Reproduction of business parking permits is prohibited.

§ 201-42. Term of permits.

Business parking permits shall be valid from May 1 to October 1 in each year. Any vehicle bearing an expired business parking permit and parking in a parking space posted as "business permit parking only" shall be subject to the penalty as set forth in § 201-44 below.

§ 201-43. Exemptions.

The prohibition set forth in § 201-45 below shall not apply to emergency and utility vehicles. Emergency vehicles, municipal vehicles, gas, electric, telecommunications and other similar vehicles may park within the Borough during times they are rendering service or repairs within the Borough.

§ 201-44. Violations and penalties.

- A. Any vehicle parked in a space posted "business permit parking only" without a valid business parking permit shall be subject to a parking fine in the amount of \$100.
- B. Any violation of § 201-40 above shall result in the offending person being subject to a fine in the amount of \$150 for a first offense and \$300 for each subsequent offense thereafter.
- C. The possession of a business parking permit does not exempt the vehicle operator from obeying all traffic rules, regulations and ordinances, including but not limited to parking too close to stop signs or intersections.
- D. The Sea Bright Police Department may remove and impound any vehicles which are parked in violation of this article. The cost of said removal shall be borne by the vehicle owner or lessee.

§ 201-45. Parking Prohibited.

No person should park or cause to be parked any vehicle in a designated business parking space unless a current, valid parking permit is displayed on such vehicle.

§ 201-46 through § 201-47 (RESERVED)

Article X. FIRE ZONES

§ 201-50. Fire zones designated.

A. The following fire zones are established:

- (1) Any and all fire hydrants shall be covered under Title 39, New Jersey State Motor Vehicle Statute.
- (2) Waterview Way - from the end of street bulkhead to a point 49 feet east.
- (3) Via Ripa - from the end of street bulkhead to a point 51 feet east to include the paper street proceeding to South Way.
- (4) South Way - from the end of street bulkhead to a point 43 feet east.
- (5) Beach Way - from the end of street bulkhead to a point 25 feet east.
- (6) Atlantic Way - from the end of street bulkhead to a point 72 feet east along south side curb line. South to north distance shall be 12 feet in width.
- (7) Willow Way - from the end of street bulkhead to a point 86 feet east. From the north side bulkhead south to a distance of 50 feet.
- (8) Shrewsbury Way - from the end of street bulkhead to a point 18 feet east. All other fire zones should be removed and new no parking or two zones should be created.
- (9) Riverview Place - from the corner of Shrewsbury Place to a point 40 feet south on the east side of the street; from the corner of Shrewsbury Place to a point 36 feet south on the west side of the street.
- (10) River Way - from the end of street bulkhead to a point 26 feet east.
- (11) Peninsula Ave - from the end of street bulkhead to a point 36 feet east.
- (12) River Street - from the end of street bulkhead to a point 21 feet east.
- (13) Church Street - from the end of street bulkhead to a point 80 feet east; from the north side curb line to a point 25 feet south.
- (14) Beach Street - from the end of street bulkhead to a point 24 feet east.
- (15) Center Street - from the end of street bulkhead to a point 41 feet east.
- (16) Osborne Place - from the end of street bulkhead to a point 36 feet east.

- (17) Islandview Way - from the end of street bulkhead to a point 25 feet east; must be painted and new signs placed.
- (18) Imbrie Place - from the end of street bulkhead to a point 27 feet east.
- (19) Tradewinds Lane - the entire length of the east side.
- (20) Sandpiper Lane - end of street turnaround shall be zoned fire lane.

B. Bureau of Fire Prevention. Upon the finding that such action is necessary for public safety, the Bureau of Fire Prevention in the Borough of Sea Bright may require the owner or owners of any shopping center, commercial structure, place of public assembly, multiple dwelling groups, or industrial park office buildings to designate "fire zone" in the driveways of the premises leading to and from the parking area to the above-type buildings or structures, public streets or rights-of-way. Such fire zones, also known as "fire lanes," shall be no less than 10 feet nor more than 50 feet in width and shall be outlined and lettered in yellow on a paved surface, such lettering to remain legible at all times. Metal "fire zone" signs, the lettering of the same to be legible at all times, shall be provided, erected and maintained by said owner or owners and placed at the discretion of the Bureau of Fire Prevention. Said signs are to be of a design and quality and lettered in accordance with applicable state law and approved by the Bureau of Fire Prevention.

C. Violations and enforcement.

- (1) Any person who parks a vehicle in, obstructs, or allows the obstruction of a designated fire lane who is found to be in violation of the provisions of this article shall be subject to the penalties as provided in Chapter 1, General Provisions, Article I.
- (2) Any vehicle or object obstructing a designated fire lane, whether public or private, may be towed or removed without prior notification of the owner, and at the owner's expense.
- (3) The registered owner of the vehicle parked in the fire lane shall be responsible for all penalties issued and any towing or related charges accruing hereunder.

Article XI. Municipal Buildings and Parking Lots (Reserved)

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on March 21, 2017 and will be further considered after a Public Hearing held on April 4, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED: March 21, 2017
PUBLIC HEARING: April 4, 2017
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

DINA LONG, Mayor

ORDINANCE NO. 07-2017
AN ORDINANCE AMENDING CHAPTER 66, "BEACHES"
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

BE IT ORDAINED by the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey that Chapter 66 entitled "Beaches," Article I, General Regulations, of the "Code of the Borough of Sea Bright, 1998", be and the same is hereby amended and supplemented in the following manner:

SECTION ONE: Chapter 66, "Beaches," of the Code of the Borough of Sea Bright, Article I, "General Regulations," §66-3, "Reserved" of the Borough of Sea Bright." be and the same is hereby amended thereto:

Article I "General Regulations"

66-3. Reserved

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on March 21, 2017 and will be further considered after a Public Hearing held on April 4, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED: March 21, 2017

PUBLIC HEARING: April 4, 2017

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

DINA LONG, MAYOR

ORDINANCE NO. 08-2017
AN ORDINANCE AMENDING
CHAPTER 57, ALCOHOLIC BEVERAGES, ARTICLE III, PROHIBITED ACTS
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

WHEREAS § 57-20 of Chapter 57, Article III of the Ordinances of the Borough of Sea Bright currently requires that all licensed establishments comply with Chapter 144 of the Ordinances of the Borough of Sea Bright; and

WHEREAS Chapter 144, which dealt with the Noise regulations of the Borough, was repealed in its entirety by Ordinance 20-2016 on July 5, 2016; and

WHEREAS noise issues of the Borough are now governed by Chapter 146 of the Ordinances of the Borough of Sea Bright which is titled Nuisances;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright that the following revision to the Code of the Borough of Sea Bright shall be enacted so as to correct the reference to Chapter 144 within § 57-20 of Chapter 57 so that it properly references Chapter 146:

SECTION ONE:

§ 57-20, Noises of Chapter 57, Alcoholic Beverages, Article III, Prohibited Acts, shall be deleted in its entirety and replaced with the following language:

§ 57-20, Nuisances. Licensed establishments are required to comply with Chapter 146, Nuisances.

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on April 4, 2017 and will be further considered after a Public Hearing held on April 18, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED: April 4, 2017
PUBLIC HEARING: April 18, 2017
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

DINA LONG, MAYOR

ORDINANCE NO. 09-2017
AN ORDINANCE AMENDING CHAPTER 38, SPECIAL EVENTS,
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright that Chapter 38, SPECIAL EVENTS, shall be amended as follows:

SECTION ONE:

1. Chapter 38, § 38-3, "Special Events Committee Membership" shall be amended so as to replace existing subparagraph A so as to read, in its entirety, as follows:
 - A. There shall be created a Special Events Committee, which shall consist of the following 11 members: (1) The Mayor or a designee of his or her choosing; (2) A member of the Borough Council as chosen by it; (3) the Borough Administrator or, if the Borough Administrator is unavailable for any Committee meeting, the Borough Clerk; (4) the Chief of Police or a designee of his or her choosing from within the Police Department; (5) the Director of Public Works or a designee of his or her choosing from within the Public Works Department; (6) the Director of Recreation; (7) the Public Safety Director; (8) the Borough's Fire Subcode Official or a designee of his or her choosing who has knowledge of the Fire Subcode; (9) a Registered Environmental Health Specialist from the Monmouth County Regional Health Commission No. 1; (10) an owner of a business located in the Borough of Sea Bright who is neither an official of nor in the full-time employ of the municipality, as chosen by the Mayor with the advice and consent of the Borough Council, to serve a term no longer than one year from the date of appointment; and (11) a resident of the Borough of Sea Bright who is neither an official of nor in the full-time employ of the municipality, as chosen by the Mayor with the advice and consent of the Borough Council, to serve a term no longer than one year from the date of appointment.
2. Chapter 38, § 38-3, "Special Events Committee Membership" shall be further amended so as to replace existing subparagraph C so as to read, in its entirety, as follows:
 - C. The Special Events Committee shall select a Secretary, who may or may not be a member of the Committee or a municipal employee. The Secretary shall be responsible for taking minutes of the Committee meetings and retaining the Committee's files, as well as working with the Borough Clerk as needed to respond to any Open Public Records Act (OPRA) requests.
3. Chapter 38, § 38-6, "Committee Responsibilities" shall be amended so as to replace existing subparagraph C so as to read, in its entirety, as follows:
 - C. Applicants shall be required to be appear before the Committee so as to enable the Committee to discuss and gain a full understanding of the event which is being proposed. The Committee may waive this requirement, if it believes the appearance of the applicant would not be beneficial to it.

4. Chapter 38, § 38-7, "Special Event Escrow" shall be re-captioned as "Special Event Security Deposit" and the text of the section replaced in its entirety with the following:
 - A. The applicant shall deposit with the Borough Clerk, at least 10 days prior to the date of the special event, an amount of money between \$100 and \$5,000 to be determined by the Committee, based upon the municipal services needed for the size and scope of the special event, and which shall be held by the Borough, for the Borough's use to pay for any Borough services and/or facilities for the special event.
 - B. The amount of security deposit set by the Committee shall be based upon the size and scope of the special event and the corresponding reasonably anticipated Borough costs for Borough services arising from the special event.
 - C. The applicant shall be responsible to pay any amount due and owing the Borough for the use of services or facilities for the event over and above the amount of security deposit.
 - D. Should any funds remain from the security deposit following the conclusion of the special event, and after all costs associated with the special event have been paid, those monies shall be returned to the applicant.
 - E. The Special Events Committee may waive or reduce the special event security deposit if it determines circumstances warrant the granting of such a waiver or reduction, including, but not limited to, nonprofit or charitable organizations where no commercial activity is taking place at the special event.
5. Chapter 38, § 38-8 "Liability of Applicant" shall be amended so as to add a new subparagraph C which shall read as follows:
 - C. All applicants, regardless of whether liability insurance is deemed to be required, must execute a Hold Harmless Agreement, the text of which shall be prepared by the Borough, before a Permit will be issued.
6. Chapter 38, §38-10 "Determination of Special Events Committee" shall be amended so as to replace existing subparagraph B so as to read, in its entirety, as follows:
 - B. If the permit has been granted, the transmission to the Borough Clerk shall include a notation as to the amount of the special event security deposit set per §38-7 of this chapter, and the amount of liability insurance, set per §38-8 of this chapter.
7. Chapter 38, §38-11 "Ability of Borough Council to grant or alter permit" shall be amended so as to replace existing subparagraph D so as to read, in its entirety, as follows:

- D. Should the Borough Council exercise any of its powers under this section, it shall follow the criteria set forth in §38-6 of this chapter for evaluating the proposed special event. The Borough Council shall also be empowered to set a special event security deposit, as per §38-7 of the chapter, set a liability insurance amount, as per §38-8 of this chapter, or set special conditions, as per §38-9 of this chapter.

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on April 4, 2017 and will be further considered after a Public Hearing held on April 18, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED: April 4, 2017
PUBLIC HEARING: April 18, 2017
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

DINA LONG, MAYOR

VOUCHER LIST
 APRIL 4, 2017
 BOROUGH OF SEA BRIGHT

01489	A.M.G. MARINE CONTRACTING, INC 17-00325 03/09/17 DPW	Open	4,105.00
01984	AVAYA FINANCIAL SERVICES 17-00408 03/30/17 POLICE	Open	145.29
02036	BAHRLE, DAVID 17-00405 03/30/17 REIMB. TRAVEL	Open	52.60
02115	C & L SWEEPER SERVICE 17-00385 03/23/17 DPW	Open	760.00
00063	CHESAPEAKE EXTERMINATING CO. 17-00388 03/23/17 EXTERMINATOR	Open	30.00
2390	COSTA, VALERIA 17-00400 03/30/17 JANITORIAL	Open	1,050.00
2293	DEMCO 17-00124 01/30/17 LIBRARY	Open	56.52
2285	FENCES BY TAYLOR 17-00367 03/20/17 BEACH	Open	1,245.00
01817	FINEGAN, GEORGE 17-00384 03/23/17 CAT PROGRAM	Open	635.47
01720	FIREFIGHTER ONE, LLC 17-00316 03/07/17 FIRE DEPT	Open	1,323.00
02101	GANNETT NJ 17-00401 03/30/17 CLERK	Open	143.55
	17-00409 03/30/17 LEGAL ADS	Open	53.90
			----- 197.45
01194	GLENCO SUPPLY, INC. 17-00288 02/28/17 DPW	Open	90.00
	17-00314 03/06/17 DPW	Open	240.00
			----- 330.00
01526	JCP & L 17-00411 03/30/17 ELECTRICS	Open	1,173.76
01784	JUNGLE LASERS, LLC 17-00376 03/22/17 BUILDING DEPT	Open	580.00
2378	LANDTEK CONSTRUCTION 17-00057 01/19/17 STREETSCAPE	Open	132,295.10
2265	LEE'S GARAGE 17-00324 03/09/17 POLICE	Open	840.40
02147	MICHAEL BAKER INTERNATIONAL 17-00399 03/30/17 ENGINEER	Open	6,470.00
00176	MODULAR SPACE CORPORATION 17-00402 03/30/17 POLICE	Open	3,030.00

01323	MONMOUTH COUNTY TREASURER		
17-00328	03/09/17 POLICE	Open	800.00
00189	MUNICIPAL CLERKS ASSN/MONMOUTH		
17-00386	03/23/17 CLERK	Open	75.00
00433	NATIONAL ENTERTAINMENT		
17-00323	03/07/17 RECREATION	Open	840.00
01399	NEW JERSEY AMERICAN WATER		
17-00406	03/30/17 HYDRANTS	Open	2,390.30
00163	OSWALD ENTERPRISES, INC.		
17-00269	02/24/17 SEWER	Open	2,150.00
00370	P. COOPER ROOFING, INC.		
17-00326	03/09/17 BUILDINGS & GRDS	Open	2,500.00
02151	PRESTIGE TITLE AGENCY, INC.		
17-00404	03/30/17 LEGAL	Open	436.00
2330	RAW POWER GENERATOR SERVICE		
17-00372	03/21/17 GENERATOR MAINTENANCE	Open	951.00
02032	RED BANK VETERINARY HOSPITAL		
17-00350	03/16/17 ANIMAL CONTROL	Open	128.40
00788	SCARINCI & HOLLENBECK, LLC		
17-00366	03/20/17 LEGAL SERVICES	Open	359.00
01640	SEA BRIGHT PIZZA		
17-00407	03/30/17 A&E	Open	39.00
01027	SHORE BUSINESS SOLUTIONS		
17-00403	03/30/17 POLICE	Open	120.00
00222	SIGNS & LETTERS UNLIMITED		
17-00293	03/01/17 POLICE	Open	185.00
00031	SORRENTINO, JOHN		
17-00396	03/29/17 POLICE	Open	49.38
00083	T & M ASSOCIATES		
17-00044	01/18/17 ENGINEER	Open	11,978.99
17-00410	03/30/17 ENGINEER	Open	18,886.03
17-00412	03/30/17 ENGINEER	Open	2,186.77
17-00413	03/30/17 ENGINEER	Open	199.19

			33,250.98
02114	TWO RIVERS WATER RECLAMATION		
17-00369	03/20/17 SEWER SERVICE	Open	252,733.50
02061	VERIZON WIRELESS		
17-00377	03/22/17 POLICE	Open	927.15
17-00378	03/22/17 FIRE DEPT	Open	40.01

			967.16
2339	WIRELESS COMM & ELECTRONICS		
17-00368	03/20/17 FIRE DEPT	Open	250.00

TOTAL: \$452,544.31

APRIL 4, 2017 - MANUAL CHECKS

17-00384	3/23/2017	Finegan,George Reimb./Feral Cat Program	\$635.47
17-00321	3/7/2017	Hoder, David Engineer:Escrow Projects	\$1,170.00
17-00380	3/23/2017	NJ Dept. of Health Monthly Dog Report	\$14.40
17-00370	3/21/2017	Public Storage Police:Rental Unit-April	\$312.00
17-00394	3/24/2017	T & M Associates Engineer:Escrow Projects	\$1,744.25

TOTAL MANUALS: \$3,876.12

GRAND TOTAL: \$456,420.43

Total Of All Funds:	452,544.31	0.00
452,544.31	0.00	452,544.31