



**Asbury Park, New Jersey
ORDINANCE NO. 2024-1**

**ORDINANCE OF THE CITY OF ASBURY PARK AMENDING AND
SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 2, ENTITLED
“ADMINISTRATION,” AND SUBSECTION 30-22.1, “ESTABLISHMENT,” OF
SECTION 30-22, “ZONING BOARD OF ADJUSTMENT,” OF CHAPTER 30, LAND
DEVELOPMENT REGULATIONS,” OF “THE CODE OF THE CITY OF ASBURY
PARK.”**

WHEREAS, the City of Asbury Park (the “City”) previously established Chapter 2, entitled “Administration,” and Subsection 30-22.1, “Establishment,” of Section 30-22, “Zoning Board of Adjustment,” of Chapter 30, “Land Development Regulations,” of “The Code of the City of Asbury Park” (also referenced as the “City Code”); and

WHEREAS, due to recent changes in the law (per A5175 and S3519/S3593) relating to the term(s) of office of elected officials and the date(s) for conducting an annual municipal organization or reorganization meeting in municipalities that are governed under the “Uniform Nonpartisan Elections Law,” N.J.S.A. 40:45-5, et seq., it is necessary to revise certain provisions of the City Code in order to be consistent with the aforesaid legislation; and

WHEREAS, the Mayor and Council wish to undertake certain other limited revisions to the City Code to conform to the actual procedures associated with the annual Council reorganization meeting; and

WHEREAS, the provisions to be revised are set forth in Chapters 2 and 30 of the City Code, as more specifically identified below.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, as follows:

Section 1. § 2-2.2, entitled “Election of Council Members,” of § 2-2, “Mayor and City Council,” of Chapter 2, “Administration,” of the City Code is hereby amended and supplemented in certain limited respects, as follows (additions are shown with underline):

§ 2-2. MAYOR AND CITY COUNCIL.

§ 2-2.2. Election of Council Members.

[N.J.S.A. 40:69A-83.1; N.J.S.A. 40:45-17]

The City Council members shall be elected by the voters of the City through non-partisan regular municipal elections under the Uniform Nonpartisan Elections Law, N.J.S.A.

40:45-5 et seq., at the general election held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections, and the term of office of the City Council members shall begin on January 15 next following their election.

Section 2. § 2-2.12, entitled “Reorganization Meeting,” of § 2-2, “Mayor and City Council,” of Chapter 2, “Administration,” of the City Code is hereby amended and supplemented in certain limited respects, as follows (additions are shown with underline; deletions are shown with ~~strikethrough~~):

§ 2-2.12. Reorganization Meeting.
[New]

a. Notwithstanding any other provision of law, the Mayor and Council may, by resolution, fix the date and time of its annual organization or reorganization meeting at 12 o'clock noon on January 15, or at some other hour on any day during ~~the first week in January~~ a seven-day period beginning on January 15.
[N.J.S.A. 40:45A-1]

b. At the reorganization meeting the Council shall elect a Deputy Mayor; ~~review the City fee schedule(s) and reserve a date on the calendar within forty five days of the date of the reorganization meeting to review and act on recommendations to the fee schedule(s);~~ adopt a temporary budget; make professional service appointments, including the City Attorney, and appoint contract employees; make appointments to statutory boards, commissions and committees; ~~and~~ create or recreate City advisory committees as necessary and make appointments thereto; establish Council meeting dates; and undertake such other annual items of business as deemed necessary to prepare for the year ahead. ~~adopt the smoke free and tobacco free areas for public parks, public areas, public beaches and insure that proper signage is posted thereon.~~

Section 3. § 2-47.7, entitled “Terms of Service,” of § 2-47, “Sunset Lake Commission,” of Chapter 2, “Administration,” of the City Code is hereby amended and supplemented in certain limited respects, as follows (additions are shown with underline; deletions are shown with ~~strikethrough~~):

§ 2-47. SUNSET LAKE COMMISSION.

§ 2-47.7. Terms of Service.

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

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

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

- d.c. The remaining three (3) members shall be appointed by the Governing Body for a term of two (2) years and all subsequent appointments shall be for a two (2) year term.
- e.d. If a vacancy occurs for whatever reason, the Chairman shall notify the Governing Body, which shall appoint a Commissioner to the unexpired term pursuant to Subsection **2-47.6**.

Section 4. § 2-47.8, entitled “Officers,” of § 2-47, “Sunset Lake Commission,” of Chapter 2, “Administration,” of the City Code is hereby amended and supplemented in certain limited respects, as follows (deletions are shown with ~~strikethrough~~):

§ 2-47.8. Officers.

- a. The Commission shall have a Chairman, Vice-Chairman, Treasurer, and Secretary. Each shall serve for a term of one year ~~commencing on January 1~~. The duties of each officer shall be as follows:
 - 1. Chairperson. The Chairperson shall be responsible for the management and conduct of all meetings and shall call meetings to order and close all meetings. The Chairperson shall have full voting power.
 - 2. Vice-Chairperson. The Vice-Chairperson shall act in the absence of the Chairperson.
 - 3. Treasurer. The Treasurer shall be responsible for the keeping of all accounts, payment of all bills, verification of debts, and to provide a depository within the City of Asbury Park for the safekeeping of funds, and will also be responsible for the signing of all checks.
 - 4. Secretary. The Secretary shall be responsible for the keeping of all official records of the Commission.
 - 5. The officers may have such other duties that may be designated from time to time by resolution.

Section 5. § 2-47.12, entitled “Budget,” of § 2-47, “Sunset Lake Commission,” of Chapter 2, “Administration,” of the City Code is hereby amended and supplemented in certain limited respects, as follows (additions are shown with underline; deletions are shown with ~~strikethrough~~):

§ 2-47.12. Budget.

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

- b. The Governing Body shall not be obligated to contribute any funds to the Commission until such time as the budget is approved.
- c. The Commission shall have the right to adopt emergency resolutions for appropriations to the Governing Body for maintaining Sunset Lake and the surrounding grounds.

Section 6. § 30-22.1, entitled “Establishment,” of § 30-22, “Zoning Board of Adjustment,” of Chapter 30, “Land Development Regulations,” of the City Code is hereby amended and supplemented as follows (deletions are shown with ~~strikethrough~~):

§ 30-22. ZONING BOARD OF ADJUSTMENT.

§ 30-22.1. Establishment.

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

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

Section 7. All other provisions of Chapters 2 and 30 of the City Code which are not referenced in this Ordinance shall remain unaffected/unchanged and remain in full force and effect.

Section 8. All parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

Section 9. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 10. This Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, LISA ESPOSITO, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2024-1 which was finally adopted by the City Council at a meeting held on the 14th day of February, 2024



LISA ESPOSITO
CITY CLERK

✓ Vote Record - Ordinance 2024-1						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated	Angela Ahbez-Anderson	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Eileen Chapman	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Withdrawn	Yvonne Clayton	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Introduced	Amy Quinn	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Moor	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>