

ORDINANCE NO. 388

ADOPTING ORDINANCE

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF INTERLAKEN IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Mayor and Borough Council of the Borough of Interlaken in the County of Monmouth, New Jersey, have caused their ordinances of a general and permanent nature to be amended and supplemented and to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the Borough of Interlaken, 2002."

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF INTERLAKEN IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

**Section 1.** The ordinances of the Borough of Interlaken in the County of Monmouth, New Jersey, of a general and permanent nature, as codified in Chapter I through Chapter XXVIII, are hereby ordained as "The Revised General Ordinances of the Borough of Interlaken, 2002."

**Section 2.** All of the provisions of "The Revised General Ordinances of the Borough of Interlaken, 2002," shall be in force and effect on and after the effective date of this ordinance.

**Section 3.** All ordinances of a general and permanent nature, adopted by the Mayor and Borough Council (hereafter referred to as the "Council") and in force on December 31, 2002, and not contained in "The Revised General Ordinances of the Borough of Interlaken, 2002," are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in Section 4.

**Section 4.** The repeal provided for in Section 3 of this ordinance shall not affect:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before the effective date of this ordinance;
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right of franchise conferred by the Council;
- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the Borough;
- e. Any ordinance of the Borough providing for laying out, opening, altering, widening, relocating, straightening, acceptance or vacation of any street, road or highway within the Borough;
- f. Any ordinance or resolution of the Borough promising or guaranteeing the payment of money by or for the Borough or authorizing the issuing of bonds or other evidence of the Borough's indebtedness, or any contract of or obligation assumed by the Borough;
- g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;
- h. The administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of this Revision;

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- i. Any ordinance or resolution of the Council fixing compensation or salaries of the Borough officials and employees or the pay and compensation of positions and clerical employments which are not provided for in this Revision and which are not in conflict or inconsistent therewith;
- j. Any ordinance or resolution of the Council creating employments, positions or offices and fixing duties therefor which are not provided for in this Revision and which are not in conflict or inconsistent therewith;
- k. Concerning the Traffic Chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic or parking on the public streets or highways until the traffic and parking chapters of this Revision are finally approved by the Commissioner of the New Jersey Department of Transportation, and said chapters shall not take effect until finally approved by the Commissioners as aforesaid;
- l. Ordinances adopted by the Board of Health of the Borough of Interlaken;
- m. Any ordinances of the Borough Council adopted upon final passage after the 31st day of December, 2002.

**Section 5.** The effect of proposed changes contained in the Revision is listed below:

Chapter I: General Provisions. Chapter I is new and provides the following:

Section 1-1, Short Title, establishes the official title of this Code. Section 1-2, Definitions, contains definitions for use within the entire Code or when drafting future ordinances of the Borough. Section 1-3, Construction, establishes rules of construction and interpretation of general terms used throughout this Revision, as well as for all other ordinances adopted by the Borough of Interlaken. Section 1-4 provides the Divisions of the Code.

Section 1-5, General Penalty, contains the most recent penalty provisions which are provided by Statute. The general penalty clause is applicable to the entire Revision or any other ordinance. In subsection 1-5.1, Maximum Penalty, a maximum penalty of a fine not exceeding \$1,250 and/or imprisonment for a term not to exceed 90 days and/or a period of community service not to exceed 90 days is established in accordance with State Statutes. Subsection 1-5.1 eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted. Subsection 1-5.2, Minimum Penalty, permits the Borough Council to establish a minimum penalty for a particular ordinance which may be a fine that does not exceed \$100. Subsection 1-5.3, Additional Fine for Repeat Offenders, provides that additional fines may be imposed on any person who is convicted of the same violation within one year of the date of the previous violation. Subsection 1-5.4, Default of Payment of Fine, provides that any person who defaults on payment of a fine may be imprisoned in the County Jail or be required to perform community service. Subsection 1-5.5, Separate Violations, provides that each and every day a violation exists shall constitute a separate violation. Subsection 1-5.6, Application, states that the amount of any particular penalty is at the discretion of the Judge of the Municipal Court. Throughout the Code penalties have been revised to refer to Section 1-5, General Penalty.

Section 1-6, Severability, provides for the severability of unconstitutional or unenforceable Code provisions.

Sections 1-7 through 1-11 are new. Section 1-7 which relates to maintenance of the Code provides that the Municipal Clerk shall keep the Code up-to-date; Section 1-8 states that provisions of the Code shall be considered as continuations of existing ordinances; Section 1-8, Additions and Amendments to Code, provides that when adopted, additions and amendments shall be deemed to be a part of the Code. Section

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1-10, Sale of Code Book; Supplements Provided, provides that copies of the Code may be purchased from the Borough Clerk and Section 1-11 prohibits tampering with Code provisions.

Chapter II: Administration. This Administrative Chapter has been organized into seven articles as follows:

- Part I Mayor and Borough Council
- Part II Officers and Employees
- Part III Departments
- Part IV Municipal Court
- Part V Boards, Committees and Commissions
- Part VI Policies and Procedures
- Part VII Contracts and Agreements

Part I, Mayor and Borough Council, is new and has been added to provide the public with a general knowledge of the Borough form of government. In Section 2-1, subsection 2-1.1 provides for the organization of the Governing Body; subsection 2-1.2, the Rules of Council; subsection 2-1.3, Ordinances and Resolutions; subsection 2-1.4, Vacancies in the Borough Council and subsection 2-1.5, Qualifications (persons filling a vacancy in an elective office).

Section 2-2, Meetings, provides for the organizational meeting, the regular meetings, and special meetings of the Council, and the notice required under the Open Public Meetings Act.

Section 2-3, Powers and Duties of the Mayor, provides the powers of the Mayor according to Statutes. Section 2-4, President of the Council, provides for the election and duties of the Council President.

Part II, Officers and Employees. Portions of Part II are new and portions are codified from existing ordinances.

Section 2-7, Office of the Borough Administrator, provides for the appointment, qualifications and duties of the Administrator.

Section 2-8, Borough Clerk, is new and provides for the appointment, qualifications and powers and duties of the Clerk.

Section 2-9, Chief Financial Officer, is new and provides the appointment, duties and tenure of this office.

Section 2-10, Office of the Treasurer, is new and establishes this office. Section 2-11, Tax Assessor, is new and establishes the appointment, qualifications and duties of the Assessor.

Section 2-12, Tax Collector, is new and establishes the appointment, term and certification required for the Collector.

New sections include Section 2-13 which defines the duties and qualifications of the Borough Attorney, and Section 2-14 provides for the appointment and duties of the Prosecutor.

Section 2-15, Public Defender, was established by Ord. No. 352.

Section 2-19 provides for Additional Positions Created, which includes the Code Enforcement Official, the Recycling Coordinator and the Zoning Officers.

Part III, Departments. The ordinances establishing the Police Department, appointing Special Law Enforcement Officers and special duty assignment for Police Officers are contained herein. Subsection 2-22.1, Emergency Management Coordinator, is new and provides for the establishment of this position.

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Part IV, Municipal Court, is new and establishes the Judge of the Municipal Court and Court Administrator and Personnel.

Part V, Boards, Committees and Commissions, contains the establishment of the Board of Health.

Part VI, Policies and Procedures, contains the procedure for payment of claims and the Length of Service Awards Program.

Part VII, Contracts and Agreements, contains the Agreement with the Borough of Allenhurst to obtain Police Dispatch Service from the Borough of Allenhurst and the Agreement to form the Deal Lake Commission.

Chapter III: Police Regulations. This Chapter contains the regulations enforced by the Police Department which include regulations concerning noise, alarm systems, consumption and possession of alcoholic beverages in public places, possession or consumption of alcoholic beverages by persons under the legal age, drug-free school zones, drug-free zones for public parks, public housing and public buildings; the prohibition of providing false information to a Police Officer, littering and distribution of handbills, abandoned vehicles and storage of vehicles, prohibited conduct, regulations and powers during a state of emergency, the prohibition of the discharge of firearms and disorderly conduct. Throughout the Code penalty provisions have been revised to refer to the General Penalty in Chapter I, Section 1-5.

Chapter IV: General Licensing. This chapter provides the general regulations for licensing as well as specific regulations for the licensing of canvassers and solicitors; garage sales and licensing regulations for towing and storage of motor vehicles.

Chapter V: Animal Control. Regulations concerning the control and licensing of dogs and cats and the prohibition of feeding waterfowl are contained in this chapter.

In subsection 5-2.4, Cat License Fees, the fee for a cat license has been increased to \$6, and a late fee of \$8 shall also be assessed for each license which has not been obtained by February 28.

Section 5-3.7, "Pooper-Scooper" Requirements has been amended to add the requirement that any person walking a dog shall display visible proof of the ability to clean up all excrement by carrying a shovel, plastic bag, disposal bag or other contraption.

Chapter VI: Reserved.

Chapter VII: Traffic. This Chapter contains the Traffic Ordinances of the Borough placed in accordance with the model of organization that has been recommended by the State of New Jersey Division of Motor Vehicles. This Chapter may not be enforced until approval is obtained from the Commissioner of the New Jersey Department of Transportation. New and revised street regulations may be included if they have been recommended by the Police Department or the New Jersey Department of Transportation and approved by the Bureau of Traffic Engineering of the Department of Transportation.

Chapter VIII: Reserved.

Chapter IX: Personnel Policies. This chapter contains the personnel policies which have been adopted by the Council covering longevity compensation for full-time employees and partial payment of health benefits for retired employees over 62 years of age.

Chapter X: Building and Housing. This chapter includes the State Uniform Construction Code Enforcing Agency; construction permit fees; the housing code and the regulation of signs, billboards and posters.

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Chapter XI: Property Maintenance. This chapter contains the adoption of the BOCA Property Maintenance Code by reference, with specific amendments and changes and regulations controlling weeds and poisonous growths.

Chapter XII: Reserved.

Chapter XIII: Swimming Pools. This chapter contains regulations for the installation, construction and maintenance of private swimming pools.

Chapter XIV: Parks and Recreational Areas. This chapter regulates conduct in parks and recreational areas.

Chapter XV: Water. This chapter provides the procedures to be followed if a water emergency exists.

Chapter XVI: Sewers. This chapter contains the regulations for construction and use of sanitary sewers and establishes the connection fee; the prohibition for the discharge of stormwater into sewers and a reference to the agreement with the Township of Ocean Sewerage Authority.

Chapter XVII: Solid Waste Management. This chapter contains the regulations for the collection of garbage and the recycling program.

Chapter XVIII: Streets and Sidewalks. This chapter contains the requirements for excavations in streets or sidewalks, construction requirements for sidewalks and curbs, and clear view at intersections which regulates the height of brush at intersections.

Chapter XIX: Satellite Dish Antennas. This chapter establishes regulations for the installation of satellite antennas and establishes a permit fee.

Chapter XX: Environmental Regulations. This chapter codifies the ordinance that requires reimbursement of costs for clean-up of hazardous materials.

Chapter XXI: Cable Television: This chapter codifies the franchise with Cablevision of Monmouth to provide Cable TV to the Borough.

Chapter XXII: Protection of Trees. This chapter contains the establishment of the Shade Tree Committee and establishes regulations for the protection of trees.

Chapter XXIII: Reserved.

Chapter XXIV: Flood Hazard Prevention. This chapter contains the flood protection regulations of the Borough which have been adopted to comply with Federal requirements.

Chapter XXV: Land Use Procedures. This chapter includes Ordinance 338, which provides the establishment of the Planning Board, the provision that the powers and duties of the Zoning Board of Adjustment are to be carried out by the Planning Board and the procedures for meetings, minutes, hearings and appeals.

Chapter XXVI: Land Use and Development. This chapter establishes comprehensive zoning regulations for the Borough of Interlaken.

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Chapter XXVII: Land Subdivision. This chapter contains the Land Subdivision regulations as adopted by Ord. No. 253.

Chapter XXVIII: Fees for Development Regulations. This chapter codifies Ordinance 261, which established fees for development.

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Throughout the Code revisions have been made to refer to the appropriate enforcing agent or agency.

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Throughout the Revision there has been reorganization and editing of the source ordinances, not to effect substantive changes but intended to eliminate word duplications and overlapping and to effect uniformity of expression. In some cases provisions of the source ordinances have not been included in the Revision either because they have been expressly or impliedly repealed by later ordinances, are obsolete or no longer apply in the Borough of Interlaken.

**Section 6.** A copy of the "Revised General Ordinances of the Borough of Interlaken, 2002," in the County of Monmouth and State of New Jersey, has been filed in the office of the Municipal Clerk of the Borough of Interlaken and shall remain there for the use and examination of the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Clerk in the Borough of Interlaken by impressing thereon the seal of the Borough of Interlaken, as provided by law, and such certified copy shall remain on file in the office of the Municipal Clerk of the Borough of Interlaken to be made available to persons desiring to examine the same during all times while the Revision is in effect.

**Section 7.** Amendments to the Revision. Any and all additions, amendments or supplements to the Revision when passed and adopted in such form as to indicate the intent of the Borough Council to make them a part thereof shall be deemed to be incorporated into such revisions so that reference to "The Revised General Ordinances of the Borough of Interlaken, 2002," shall be understood and intended to include such additions and amendments. Whenever such additions, amendments and supplements to the Revision shall be adopted they shall thereafter be printed and, as provided hereunder, inserted in the book containing the Revised General Ordinances as amended and supplemented thereto.

**Section 8.** It shall be the duty of the Municipal Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Revised General Ordinances of the Borough of Interlaken, 2002," required to be filed in his or her office for the use of the public. All changes in the Revision and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Revision and shall when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

**Section 9.** The Municipal Clerk of the Borough of Interlaken, pursuant to law, shall cause to be published in the manner required a copy of this adopting ordinance in a newspaper of general circulation in the Borough of Interlaken. Sufficient copies of the Revised General Ordinances of the Borough of Interlaken shall be maintained in the office of the Municipal Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Revision for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Revision for all purposes.

**Section 10.** Copies of the book containing "The Revised General Ordinances of the Borough of Interlaken, 2002," may be purchased from the Municipal Clerk upon the payment of a fee to be set by

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resolution of the Council which may also arrange by resolution the procedures for the periodic supplementation thereof.

**Section 11.** Each section of "The Revised General Ordinances of the Borough of Interlaken, 2002," and every part of each section is an independent section or part of a section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**Section 12.** This ordinance shall take effect immediately upon final passage and publication thereof according to law.

Introduced: August 20, 2003

Adopted: September 17, 2003