

CHAPTER II

ADMINISTRATION*

Article I

Mayor and Borough Council

2-1 BOROUGH COUNCIL.

2-1.1 Organization of Borough Council. The Council shall consist of the Mayor and six (6) Council members elected at large in the Borough, all of whom shall be elected and take office in the manner provided by law. The term of office shall commence January 1 next following their election. (1969 Code § 2-2.1)

2-1.2 Rules of Council. The Council shall by ordinance adopt rules of procedure not inconsistent with this Chapter. The rules shall provide for standing committees of the Council. (New)

*Surf City is governed under the Borough form of government outlined in Chapter 60 of Title 40A of the New Jersey Statutes Annotated. The administrative chapter has been drafted in conformity with the Borough law and in many instances provisions have been restated. Other enabling laws relevant to this chapter are N.J.S.A. 2A:9-7, et seq., Municipal Court; N.J.S.A. 40:55D-69, Zoning Board of Adjustment; N.J.S.A. 40:55D-23, Planning Board; N.J.S.A. 26:3-1, Board of Health; and N.J.S.A. 40A:114-118, Police Department and N.J.S.A. 40A:14-7, Fire Department.

For Statutes requiring the taking of oaths of office and requiring bond of certain officers and employees, see Local Fiscal Affairs Law, N.J.S.A. 40A:5-33 et seq.

For salary grades and ranges, wages, compensation and fees of all officers and employees of the Borough, see annual Salary Ordinances of the Borough. Such ordinances are not included in these Revised Ordinances, but are saved from repeal. See Adopting Ordinance.

2-1.3 Ordinances and Resolutions. Council shall take appropriate action to insure that ordinances and resolutions of the preceding year are compiled or codified. (New)

2-1.4 Vacancies. Whenever a vacancy occurs in the membership of the Borough Council for any reason other than the expiration of term of office, the vacancy shall be filled pursuant to State Statutes. (New)

2-1.5 Qualifications. Every person appointed by the Mayor, the Borough Council or by the Governor to fill a vacancy, either for the unexpired term or temporarily, shall have the qualifications required by Statute to permit the appointee to qualify for election to the office, and if the previous incumbent had been elected to office as the nominee of a political party, the person so appointed shall be of the same political party. (New)

2-1.6 Powers and Duties. The legislative power of the Borough shall be exercised by the Borough Council. The Council shall also exercise the policy making function of the Borough and shall have all other powers provided by law. (1969 Code § 2-2.4)

2-2 MEETINGS.

The Council shall meet for organization on the first day of January, or during the first seven (7) days in January in any year at the call of the incoming Mayor. Thereafter, the Council shall meet regularly within the Borough at such times and places as provided by the Rules of Council. The Mayor shall when necessary call special meetings of the Council. In case of his neglect or refusal, any four (4)

members of the Council may call such meetings at such time and place in the Borough as they may designate. In all cases of special meetings, twenty-four (24) hours written notice (or actual voice contact) shall be given to all members of the Council. Written notice may be by leaving such notice at their places of residence. Such notice may be waived by unanimous consent in writing. (1969 Code § 2-3)

2-3 POWERS AND DUTIES OF THE MAYOR.

The Mayor shall preside over all meetings of the Council but shall not vote except to give the deciding vote in case of a tie. Except as otherwise provided by Statute or specific ordinance, the Mayor shall nominate and, with the advice and consent of the Council, appoint all officers in the Borough, and the chairman and members of all standing committees. No appointments requiring Council confirmation shall be made except by a majority vote of the Council members present at the meeting, provided that at least three (3) affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie. Vacancies in appointive offices shall be filled by appointment in the same manner for the unexpired term only. The Mayor shall make such nomination to fill a vacancy within thirty (30) days after the appointive office becomes vacant. If the Mayor fails to nominate within thirty (30) days or the Council fails to confirm any nomination made by the Mayor, then, after the expiration of thirty (30) days, the Council shall appoint the officer.

The Mayor shall see that the laws of the State and the ordinances of the Borough are faithfully executed, and shall recommend to the Council such measures as he may deem necessary or expedient for the welfare of the Borough. He shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the Borough.

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The Mayor shall supervise the conduct and acts of all officers in the Borough and shall execute all contracts made on behalf of the Council. (New)

2-4-2-5 RESERVED.

2-6 PRESIDENT OF THE COUNCIL.

At the organizational meeting the Council by a majority vote shall elect from their number a President of the Council, who shall preside at all of its meetings when the Mayor does not preside. The President of the Council shall hold office for one (1) year and until the next annual meeting. The President of the Council shall have the right to debate the vote on all questions before the Council. If the Council at its annual meeting fails to elect a President, the Mayor shall appoint the President from the Council and in that case no confirmation by the Council shall be necessary. If the Mayor is absent from the Borough for a period of three (3) consecutive days or for any reason is unable to act, the President of the Council shall perform all the duties of the Mayor during his absence or inability. In case of the Mayor's intended absence from the Borough for more than three (3) days at any one time, the Mayor shall notify the President in writing of such intended absence, whereupon the President shall become Acting Mayor upon the receipt of such notice and continue to act until the Mayor's return. (1969 Code § 2-5)

2-7 RESERVED.

Article II
Administrative Organization

2-8 DEPARTMENTS, BOARDS AND COMMISSIONS.

There shall be the following departments, officers, boards and commissions in the Borough:

a. *Departments.*

Department of Finance.
Department of Water and Sewer.
Department of Streets and Roads.
Department of Police.
Department of Public Property.
Department of Sanitation and Recycling.
Department of Beach Protection and Fees.
Department of Parks and Recreation.

b. *Offices Not Within Departments.*

Municipal Clerk.
Borough Administrator.
Borough Attorney.
Borough Engineer.
Construction Official.
Borough Prosecutor.
Code Enforcement Official.

c. *Boards and Commissions.*

ADA Compliance Committee.
Municipal Court.
Board of Adjustment.
Planning Board.
Board of Assistance.
Volunteer Fire Company.
Board of Health.
Local Emergency Management Planning
Council.
Weed Control Commission.
(1969 Code § 2-7.1i; Ord. No. 89-16 § 1; New)

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2-9 POWERS AND DUTIES OF DEPARTMENT HEADS.

The head of a department, subject to the Code and the approval or direction of the Mayor and Council, shall:

- a. Prescribe the internal organization of the work of his department.
 - b. Direct and supervise subordinate officers and employees of the department and make, alter and enforce individual work assignments.
 - c. Approve or disapprove payrolls, bills and claims chargeable to departmental appropriations.
 - d. Maintain such records of work performance and unit costs thereof as may be approved or required by the Mayor and Council.
 - e. Provide such information and reports on the work of the department as may from time to time be required by the Mayor and Council.
 - f. Exercise such other or different powers of administrative supervision and direction as the Mayor and Council may delegate to him.
- (1969 Code § 2-7.2)

2-10 RESERVED.

**Article III
Departments**

2-11 DEPARTMENT OF FINANCE.

2-11.1 Director. There shall be a Department of Finance of the Borough of Surf City which shall have jurisdiction over all business pertaining to finance. The Chief Financial Officer, when so appointed by the Mayor and Council, shall be the Director of the Department of Finance. (1969 Code § 2-8.1)

2-11.2 Division of the Treasury.

- a. *Borough Treasurer.* Within the Department of Finance there shall be a Division of the Treasury, the head of which shall be the Borough Treasurer. The Collector, when so designated by the Mayor and Council, shall be the Borough Treasurer. The Treasurer shall serve for a term of four (4) years.
- b. *Powers and Duties of the Treasurer.* The Treasurer shall have, perform and exercise all of the functions, powers and duties provided by general law and Borough ordinances. The Treasurer shall keep and maintain books and records of all financial transactions of the Borough in accordance with the standards and requirements of the Division of Local Government in the Department of the Treasury of the State of New Jersey. He shall have custody of all public monies of the Borough and shall make monthly reports to the Mayor and Council of all receipts, expenditures, commitments and unexpended appropriations. All monies received from any source by or on behalf of the Borough or any department, board, office or agency thereof, except as otherwise provided by Borough ordinance, shall be paid to the Treasurer who shall, by the next ensuing bank day after their receipt, deposit them in the authorized public depository of the Borough to the credit of the proper account.
- c. *Purchase Order System.* All future purchases shall be made on numbered purchase orders printed in triplicate, and the amounts authorized shall be as follows:
 1. On the signed approval of the department head, one thousand (\$1,000.00) dollars.
 2. Over one thousand (\$1,000.00) dollars but not over two thousand (\$2,000.00) dollars with the signed approval of the Chairman of the Committee with two (2) members of Council. In the absence of the

Chairman of the Committee, any member of the Committee.

3. Over two thousand (\$2,000.00) dollars by the Mayor and a majority of the Council.

Purchase orders shall be distributed as follows: Original copy to the vendor; second copy to the Treasurer (Borough office), and the third copy to the Borough Clerk.

- d. *Disbursements.* Disbursements in payment of bills and demands shall be made by the Clerk in the following manner:

1. Any person claiming payment of funds from the Borough shall present to the Borough Clerk a detailed bill of demand, certified by the claimant to be correct.
2. The claim shall not be presented by the Clerk for approval until there has been endorsed thereon the certificate of an officer or duly designated employee of the Borough having knowledge of the fact that the materials have been received by, or the services rendered to, the Borough.
3. After having been duly certified as provided above, the Clerk shall submit the claim to the Chairman of the Committee, or his designated representative responsible for the placing of the order, for the materials or services. After such approval has been endorsed on the claim, it shall be presented to the governing body for formal approval at a regular meeting. The approving resolution shall be signed by the Mayor or Acting Mayor to indicate that he has examined the claim and it was approved for payment.
4. Claims shall be considered by the governing body, which shall approve the same; except that the

governing body may reject any claim submitted to it, stating the reason for such rejection.

5. It shall be the duty of the Borough Clerk to record all claims in the official minutes indicating that the governing body has by formal action approved the same, with appropriate record as to any claims rejected or disapproved in whole or in part.
 6. Every warrant shall be in the form of a warrant check payable to the order of the person entitled to receive it, and shall specify the purpose for which it is drawn and the account or appropriation to which it is chargeable. Each warrant check shall bear the signatures of the Mayor or Acting Mayor, the Treasurer or Acting Treasurer and the Clerk.
- e. *Payroll Account.* There shall be an account to be designated the Borough of Surf City Payroll Account and the Borough Treasurer, upon receipt of a warrant or an amount due such payroll account, shall deposit the same to the credit of the payroll account, charging the appropriate budgetary account therewith. Disbursement from the payroll account may be made by payroll checks signed by the Treasurer, or someone authorized by the Mayor and Council to act in the Treasurer's stead, or the Clerk upon pre-audit and warrant of the Director of the Department of Finance and approval by the Mayor and Council of the entire payroll. In case of error or adjustment in the payroll the Treasurer shall, and it shall be his duty to, make proper correction and appropriate record of such correction. The payroll account shall be drawn as follows:
1. In advance for all employees whose salaries are on an annual or weekly basis when such salaries are due and payable prior to the next regular meeting of the governing body.
 2. In advance for all employees whose compensation is on an hourly basis when the compensation has

been approved by some designated responsible official and a member of the appropriate committee and has been certified to the Borough Treasurer.

- f. *Travel Expenses.* When it is determined by the department head, Mayor or Borough Council that it necessary for an employee to use privately owned vehicles for attendance of a municipally authorized assignment, school, seminar or meeting, the employer agrees to reimburse the employee, in the amount permitted by the Internal Revenue Service for mileage reimbursement for miles traveled to said authorized assignment, school, seminar or meeting.

The employer may also agree to pay for or reimburse the employee for other expenses such as lodging and meals which are incurred out of the attendance at said authorized assignment, school or seminar in accordance with that which is permissible by law.

Said money shall be reimbursed to the employee upon submission of a proper voucher containing itemized claims supported by receipts, where available, to the Chief Financial Officer which shall be paid to the employee in the normal course of business by the Borough.

The employee shall be responsible for retaining all necessary insurance for his or her automobile and shall make no claim against and hold harmless the employer for any damages arising out of the employee's use of his or her automobile.

Any such attendance at an assignment, school, seminar or meeting and/or use of personal vehicle must be approved by the department head with notification being given to the Borough Administrator.

No employee will be reimbursed for mileage including, but not limited to driving to and from their place of employment, attendance at any appointment to a doctor

or other professional for an accident, illness or injury necessitated by a workman's compensation or disability claim, or for attendance at a meeting of a professional association or organization.

(1969 Code § 2-8.2; Ord. No. 76-3 § 1; Ord. No. 81-5; Ord. No. 99-17 § V)

2-11.3 Division of Tax Collection. Within the Department of Finance there shall be a Division of Tax Collection, the head of which shall be the Borough Tax Collector. (1969 Code § 2-8.3)

2-11.4 Division of Tax Assessments. Within the Department of Finance there shall be a Division of Tax Assessments, the head of which shall be the Board of Tax Assessors. The Board of Tax Assessors shall consist of three (3) members who are residents and citizens of the Borough and who shall be appointed by the Mayor, with the advice and consent of the Council, to serve for terms of four (4) years each, provided that the Mayor shall designate one of such members as Secretary. All vacancies in the Board shall be filled in the manner of the original appointment for the unexpired term only. Prior to their appointment, the members of the Board shall be qualified by training or experience, or a combination thereof, in the valuation and assessment of real and personal property. Such qualifications prior to appointment shall include the holding of a certificate pursuant to N.J.S.A. 54:1-35.30. The Board of Tax Assessors shall:

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- a. Have, perform and discharge all the functions, powers and duties prescribed by law for a Municipal Assessor.
- b. Make assessments for benefits for local improvement and for that purpose have and exercise the powers and duties of a Board of Assessment for local improvement as provided by law.
- c. Maintain adequate assessment records of each separate parcel of real property assessed or exempted.
- d. Maintain a current tax map of the Borough as a public record and cause to be recorded thereon all changes in ownership or character of the real property assessed, employing for that purpose the facilities of other departments as provided by the Code.
(1969 Code § 2-8.4)

2-11.5 Chief Financial Officer. Pursuant to N.J.S.A. 40A:9-140.1, there is hereby created the position of Chief Financial Officer for the Borough as follows:

- a. The Chief Financial Officer shall be appointed by the Mayor with the advice and consent of Council for a period of four (4) years.
- b. The Chief Financial Officer shall have the powers and perform all the duties of a Chief Financial Officer as designated by the Legislature through New Jersey statutes and in accordance with the regulations, forms and procedures according to the Administrative Procedure Act.
(Ord. No. 89-1 § 1; New)

2-12 DEPARTMENT OF WATER AND SEWER.

2-12.1 Superintendent of Water and Sewer. There shall be a Department of Water and Sewer which shall be headed by the Superintendent of Water and Sewer. (Ord. No. 78-9)

2-12.2 Duties of Department. The Department of Water and Sewer shall:

- a. Operate, maintain and repair the Borough water works and water supply treatment and distribution system.
- b. Have charge of the main stop valves, fire hydrants and other fixtures of the water system.
- c. Supervise the laying of all new mains, and repair all pipes, fire hydrants and other fixtures, provided that no new work shall be constructed or undertaken without first being authorized by the Water Committee of the Borough Council.
- d. Operate, maintain and repair the Borough sanitary sewer system.
- e. Perform such other duties as are necessary to maintain and operate the water and sewer system within the Borough and such other duties as prescribed by the Borough Council by further resolution concerning the maintenance and operation of the sewer and water system.

(Ord. No. 78-9)

2-13 DEPARTMENT OF STREETS AND ROADS.

2-13.1 Borough Superintendent. The Borough Superintendent shall be the Director of the Department of Streets and Roads. (1969 Code § 2-11.1)

2-13.2 Duties of Department. Under the direction and supervision of the Borough Superintendent the Department shall:

- a. Maintain and repair all Borough streets, bridges, culverts and drains.
- b. Construct and reconstruct streets, bridges, culverts and drains; treat road surfaces and resurface streets

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according to such standards and schedules as directed or approved by the Borough Engineer.

- c. Maintain all Borough streets in a clean and safe condition, free of obstructions and hazards, and remove snow and ice therefrom as required.
- d. Study problems of street traffic congestion and control and street lighting, and recommend to the Borough Engineer appropriate plans for street improvement and use to satisfy traffic requirements.
- e. Install, repair and maintain street traffic signs, lines and markers, and check for street light outages.
- f. Operate, maintain and repair the Borough storm sewer system.
(1969 Code § 2-11.2)

2-14 DEPARTMENT OF PUBLIC PROPERTY.

2-14.1 Borough Superintendent. The Borough Superintendent shall be the Director of the Department of Public Property. (1969 Code § 2-12.1)

2-14.2 Duties of Department. Under the direction and supervision of the Borough Superintendent the Department shall:

- a. Operate, maintain and repair Borough owned buildings and properties, except the Borough water and sewer plants, and provide custodial and janitorial services therefor, including office quarters, waterfront property and all other real estate.
- b. Trim, plant, care for and preserve public parks, greens, grounds and trees in the public way.
- c. Maintain and repair playing fields and playgrounds and recreational areas and facilities, including public

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wharves, as requested by and pursuant to instructions of the Mayor and Council.

- d. Control the care, use and disposition of motor vehicles owned by the Borough, other than fire engines and Water and Sewer Department vehicles, and for this purpose the division shall:
 1. Operate or supervise the operation of a garage or garages for the storage, servicing, repair and maintenance of Borough owned motor vehicles.
 2. Supervise any work done by contract for the storage, repair, servicing and maintenance of Borough owned motor vehicles or equipment.
 3. Control the maintenance of motor vehicles owned by the Borough by maintaining individual vehicle records of mileage, costs of operation and maintenance, and replacement schedules.
(1969 Code § 2-12.2)

2-15 DEPARTMENT OF SANITATION AND RECYCLING.*

2-15.1 Borough Superintendent. The Borough Superintendent shall be the Director of the Department of Sanitation and Recycling. (1969 Code § 2-13.1; Ord. No. 89-16 § 2)

2-15.2 Duties of Department. Under the direction and supervision of the Borough Superintendent, the Department shall:

- a. Remove garbage and trash when properly placed for collection pursuant to established schedules for collection.

***Editor's Note:** For regulations concerning the disposal of garbage, trash and recyclables, see Chapter XVII, Solid Waste Management.

- b. Prescribe regulations for the collection of garbage and trash and the schedules of the times and places where such garbage and trash shall be collected.
- c. Remove all recyclable materials properly placed for collection pursuant to established schedules for collection.
- d. Prescribe regulations for the collection of recyclable materials as schedules of the times and places.
- e. Report violations of the rules and regulations for the collection of garbage and trash and for the collection of recyclable materials to the Borough Police Department and to the Borough Enforcement Code Official.
(1969 Code § 2-13.2; Ord. No. 89-16 § 2)

2-16 DEPARTMENT OF POLICE.

2-16.1 Composition. The Police Department may consist of a Director of Police or Directors of Police, a Deputy Director of Police or Deputy Directors of Police, a Chief of Police, a Captain or Captains of Police, a Lieutenant or Lieutenants of Police, Officer or Officers in Charge, Sergeants and other such patrolmen, probationary officers, full time officers, part time officers, seasonal officers, police matrons, traffic officers, school traffic officers, dispatchers, dispatcher typists, full time dispatchers, full time dispatcher typists, part time dispatchers, part time dispatcher typists, on-call dispatchers, on-call dispatcher typists officers and employees as the Borough may appoint. (1969 Code § 2-14.1; Ord. No. 77-3 § 1; Ord. No. 91-7 § 1; Ord. No. 93-8 § 1; Ord. No. 99-9 § I; Ord. No. 99-15 § I; Ord. No. 2000-4 § I; Ord. No. 03-12 § I)

2-16.2 Director of Police, Chief of Police and/or Officer(s) in Charge.

- a. *Appointment.* A Director of Police, Chief of Police, and/or Officer(s) in Charge may be appointed by the Mayor with the advice and consent of Council.
- b. *Term of Office.* The term of office of Police Director and/or Officer(s) in Charge shall be for one (1) year or at the pleasure of the Borough Council. The term of office for the Chief of Police shall be as set forth and in accordance with the statute.
- c. *Compensation.* The Director of Police, Chief of Police and/or Officer(s) in Charge shall receive such sums as may be fixed and adopted by Council in the annual Salary and Wage Ordinance.
- d. *Duties.* The Director of Police, Chief of Police and/or Officer(s) in Charge shall:
 1. Perform and/or supervise all of the administrative duties of the Police Department.
 2. Uphold and carry out all terms of the Police contract.
 3. Carry out any additional duties as from time to time may be prescribed by Council.
 4. Supervise scheduling of the Police Force.
 5. Delegate such daily administrative and supervisory functions of the Police Department to the ranking Police Officer(s) as he or she shall deem appropriate for the efficient operation of the department.
 6. Report at least annually, or as often as directed, to the Police Committee.
 7. Be the executive head of the Police Department, subject to the direction and supervision of the Police Committee of the Borough Council, and shall

be responsible for the proper and efficient operation of the Department and the supervision of its activities.

8. Be responsible for the observation and enforcement of all laws of the State and ordinances within the jurisdiction of the Police Department and the enforcement of the rules and regulation of the Police Department.
9. See that all persons connected with the Department are properly instructed in their duties, and giving particular attention to the training and instruction of new members thereof.
10. Have under his or her control all records and property of the Police Department and designate any member of the Department or prepare reports and keep the records in such manner as he or she may prescribe, as well as take charge of such property and any other property coming into the custody of the Department.
(Ord. No. 91-7 § 2; Ord. No. 93-8; Ord. No. 99-9 § II; Ord. No. 99-15 § II; Ord. No. 03-12 § II; Ord. No. 04-06 § 1)

2-16.3 Qualifications. Each applicant shall comply with all of the laws of the State of New Jersey pertaining thereto. No person shall be given or accept a permanent appointment as a Police Officer in the Borough unless such person has first been given a probationary or temporary appointment to such office for a period of not longer than one (1) year, and has successfully completed a Police training course at a school approved and authorized by the Police Training Commission of the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of Chapter 56 of the Laws of 1959. Each probationary or temporary appointee as a Police Officer shall be entitled to a leave of absence, with pay, during the period of the Police training course. (1969 Code § 2-14.2)

2-16.4 Probationary Period.

- a. Every member, notwithstanding the provisions of N.J.S.A. 11:22-6, shall serve a probationary period pending his completion of the course at the New Jersey State Municipal Police School. This period shall be for a maximum time of one (1) year in accordance with N.J.S.A. 52:17B-68.
- b. Every member and every officer appointed or promoted to an office within the Police Department shall be deemed to be on probation in the position to which he shall have been appointed for a period of one (1) year, in accordance with subsection 3-4.1 of this Revision.
(1969 Code § 2-14.3)

2-16.5 Seasonal Police Officers. The Borough Council may appoint special officers for terms expiring not later than the end of the calendar year in which the appointment is made, and may revoke such appointments at any time, without cause. Such special officers shall not be members of the Police Department. The Police Department and the Director of Police shall have the power to call upon special officers in case of emergency, or for any special duty. Special officers shall possess the same qualifications as to citizenship and, while on special or temporary employment, shall have the same powers, duties and obligations as members of the Police Department. All special officers shall be under the direction of the Director of Police. (1969 Code § 2-14.4; Ord. No. 93-8 § 1)

2-16.6 Rules and Regulations of Police Department.

The rules and regulations governing the conduct of all employees within the Police Department, designed for the proper management and operation of the Police Department are hereby adopted by reference. Three (3) copies of such rules and regulations shall be placed on file with the Clerk of the Mayor and Council of the Borough and, in addition, shall be delivered to each officer, member and employee of the department. Each officer, member and employee receiving same shall execute a written receipt indicating the time and date such document was received which receipt shall be kept in the individuals personnel file. Any change in such rules and regulations shall be approved by resolution of the governing body. (Ord. No. 76-5 § 1; Ord. No. 2000-4 § II)

2-16.7 Duties of Police Officers. The rights, privileges, powers and duties of members of the Police Department, including temporary officers and special policemen, shall be those prescribed by the laws of the State of New Jersey governing municipal police departments generally, by the ordinances and resolutions of the Borough of Surf City, and such rules and regulations which may, from time to time, be adopted by resolution by the Borough Council. The Police Department, through its Director, shall:

- a. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Borough, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections, public meetings and assemblages.
- b. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of motorists and pedestrians, and to make and enforce rules and regulations not inconsistent

with the ordinances and resolutions of the Borough for such purposes.

- c. Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Borough, inspect and observe all places of public amusement or assemblage and all places of business requiring any State or municipal license or permit and report thereon to the appropriate department.
- d. Provide proper Police attendance and protection at fires.
- e. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with law enforcement and prosecuting authorities of Federal, State and County governments.

- f. Operate a training program to maintain and improve the Police efficiency of the members of the Department.
(1969 Code § 2-14.7; Ord. No. 91-7; Ord. No. 93-8 § 1)

2-16.8 Off-Duty Police Officers.

- a. Any person or entity desiring to retain services of Police Officers of the Borough of Surf City for off-duty police related activities shall be required to enter into a contract with Borough of Surf City. Said contract shall include but not be limited to the nature of duties to be performed, the location of said duties, the date and hours of service, the rate of payment for services of the officers, administrative fees to the Borough of Surf City and fees for the use of Borough owned equipment. Except in the case of public or quasi-public agencies, the payment of one hundred (100%) percent of the estimated amount due the Borough for the assignment of such off-duty officers from the person or entity requesting such assignment, shall be made advance of providing such officer or officers.
- b. The Chief of Police has the authority to determine the appropriateness of any assignment. When the Chief of Police does not believe the assignment is appropriate for the Borough of Surf City's Police Department he does have the authority to deny the request for use of off-duty police officers.
- c. The Chief Financial Office of the Borough shall establish an escrow account through a dedication by rider for the purpose of collecting the distributing funds from entities other than the Borough which utilize the services of the Borough of Surf City police officers during the off-duty hours. All record keeping with respect to the amount to be billed and collected will be the responsibility of the Chief Financial Officer and his staff.

- d. All persons or entities shall be required to make all payments for off-duty assignments payable to the Borough of Surf City to the Chief Financial Officer of the Borough of Surf City. The rate of payment for officers shall be established on an annual basis by resolution in January of each year based on the charges for these services. The Borough may establish different rates for Police services provided to other public entities and nonprofit entities such as school districts or local churches. The rates charged by the Borough shall include the hourly rate paid to the Police Officer based on either time and a half or double time, the officer's longevity, the Borough's contribution toward FICA, and fifteen (15%) percent overhead to cover additional costs incurred by the Borough. There will be one (1) composite rate for private entities based on time and a half and one (1) rate for double time for private entities. There will also be a composite rate established for public and nonprofit entities based on time and a half and double time. The determination of whether time and a half or double time rates will be charged to the entity will be made based on whether the officer or officers providing the off-duty services are entitled to payment of either time and a half or double time from the Borough of Surf City. All requests shall be required to pay for a minimum of four (4) hours.
- e. The Chief of Police shall be authorized to establish written rules and regulations governing the utilization of the Borough of Surf City Police Officers during off-duty hours by entities other than the Borough.
- f. Each person or entity who shall employ off-duty Police Officers pursuant to this subsection shall be responsible for maintaining his/her or its own insurance coverage. Said insurance coverage shall include but not be limited to a general liability and automobile liability and shall name the Borough of Surf City as an additional insured. In addition, such policy shall provide for a minimum

coverage of one million (\$1,000,000.00) dollars for any one claim or two million (\$2,000,000.00) dollars for any aggregate claims. Proof of said insurance shall be provided to the Borough of Surf City prior to the assignment of any off-duty Police Officers to said person or entity. The person or entity shall provide for the aforementioned for any and all officers, vehicles and or equipment that is utilized by the off-duty assignment. The Borough Council may reduce the amount of insurance for nonprofit corporation provided that such reduction does not adversely affect the Borough's insurance coverage through the Ocean County Joint Insurance Fund.

- g. The Chief of Police or his designee shall have the authority to order any Police Officer engaged in off-duty assignments within the Borough of Surf City to respond to an emergency situation within the Borough of Surf City. The Chief of Police or his designee shall also have the right to order any off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the citizens of the Borough of Surf City.

In the event that a Police Officer is assigned to an emergency situation, the Police Chief or his designee shall make notice of that emergency situation, as well as the time said officer was removed from said off-duty assignment. In any situation where an off-duty officer is called to an emergency situation, said person or entity shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the Borough of Surf City until such time as said Police Officer and/or equipment returns to the assignment with the off-duty employer.

- h. Any person or entity requesting the services of off-duty Police Officers shall execute an agreement to indemnify and hold harmless the Borough of Surf City for any and

all claims and damages which may rise from the off-duty officer's employment by said person or entity.

- i. In order to be eligible for "off-duty" employment, a Police Officer must be in good standing with the Department. Officers who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be able to engage in "off-duty" employment.
- j. Off-duty police-related assignments are not permitted outside the Borough of Surf City.
(Ord. No. 2009-03 § I)

2-17—2-20 RESERVED.

**Article IV
Officers and Employees**

2-21 MUNICIPAL CLERK.

2-21.1 Appointment; Term. There shall be a Municipal Clerk appointed by the Mayor and Borough Council. The term of office of the Clerk shall be three (3) years which shall run from January 1 in the year in which the Clerk was appointed. (1969 Code § 2-6.1)

2-21.2 Qualifications. No person shall be appointed as Municipal Clerk unless he shall hold a certificate as a Registered Municipal Clerk issued by the Director of the Division of Local Government Services in the Department of Community Affairs, as required by N.J.S.A. 40A:9-133 et seq.

- a. Notwithstanding the above, the Mayor and Council, pursuant to N.J.S.A. 40A:9-133.4c., may provide for a three (3) year initial appointment to the Office of Municipal Clerk of an individual who has not completed the specific course work or the examination requirement

set forth in N.J.S.A. 40A:9-133.2, but who is otherwise qualified under that section. Any such appointment shall be contingent upon the requirement that the individual undertake the appropriate course work and take the examination during the term of that appointment.

(New; Ord. No. 95-24 § 1; New)

2-21.3 Compensation. The Clerk's salary shall be established in the Salary Ordinance. (New)

2-21.4 Clerk of Borough Council and Committees. The Municipal Clerk shall serve as Clerk of the Borough Council and as Secretary of any special legislative committees of the Council. He shall attend all meetings of the Council and of such committees when required by the Chairman and shall keep the minutes of the meetings of the Council and of such committees. The minutes of each meeting of the Council shall be signed by the officer presiding at the meeting and by the Clerk. (1969 Code § 2-6.2)

2-21.5 Ordinances and Resolutions.

- a. The Clerk shall record all ordinances and all resolutions of a permanent character in books to be provided for that purpose. After each ordinance he shall also record and certify the proof of publication thereof as required by law. Each ordinance and resolution so recorded shall be signed by the Mayor and the Clerk, who shall attest that it was duly adopted upon the date stated, and when so signed the recorded copy shall be deemed to be a public record of the ordinance or resolution. Any omission by the Clerk or the Mayor to record, sign or certify as herein required shall not impair or affect the validity of any ordinance which has been duly adopted.
- b. At the close of each year the Clerk, with the advice and assistance of the Borough Attorney, shall bind, compile or codify all the ordinances and resolutions, or true

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copies thereof, which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions. (1969 Code § 2-6.3)

2-21.6 Custodian of Records. The Clerk shall have custody of and safely keep all records, books and documents

of the Borough, except those committed by ordinance to any other office or transferred thereto by the Mayor and Council. He shall, upon request and upon the payment of the fees prescribed therefor by resolution of the Council for the use of the Borough, furnish a certified copy of any such paper in his custody under the corporate seal of the Borough. (1969 Code § 2-6.4)

2-21.7 Corporate Seal. The Clerk shall cause the corporate seal of the Borough to be affixed to instruments and writings when authorized by ordinance or resolution of the Council or when necessary to exemplify any document on record in his office, or to certify any act or paper which from the records in his office shall appear to have been a public act of the Borough or a public document. He shall not affix the seal or cause or permit it to be affixed to any other instrument, writing or other paper unless required by law or ordinance. (1969 Code § 2-6.5)

2-21.8 Insurance; Surety Bonds; Contracts. The Clerk, subject to the supervision of the Mayor and Council, shall:

- a. Be the depository and custodian of all official surety bonds furnished by or on account of any officer or employee, except his own bond which shall be placed in the custody of the Treasurer; of all insurance policies upon or with respect to risks insured for the benefit of the Borough or to protect it against any claim, demand or liability whatsoever; and all formal contracts for work, labor, services, supplies, equipment and materials to which the Borough may be a party.
- b. Be the depository for and have custody of all performance bonds running to the Borough as obligee, or any other form of security given by any contractor, subdivision developer or other persons on account of work done or to be done in or for the Borough.
- c. Have custody of all leases of property owned by the Borough.

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- d. Report to the Borough Council annually, at such time as the Council may require, on the coverage, expiration date and premium of each surety bond and contract of insurance; the nature and terms of outstanding leases, the rent reserved by each and their respective expiration dates.
(1969 Code § 2-6.6)

2-21.9 Administrative Rules and Regulations; Filing and Publication. No rule or general regulation made by any department, officer, agency or authority of the Borough, except such as relates to the organization or internal management of the municipal government or a part thereof, shall take effect until it is filed with the Municipal Clerk. The Clerk shall maintain a current compilation of all such rules and regulations which shall be available for public inspection in his office during business hours. (1969 Code § 2-6.7)

2-21.10 Other Laws and Ordinances. In addition to such other functions, powers and duties as may be prescribed by ordinance and subject to the supervision and direction of the Mayor and Borough Council, the Clerk shall:

- a. Perform all of the functions required of Municipal Clerks by the General Election Law (Title 19 of the New Jersey Statutes) and any other law or ordinance.
- b. Administer the provisions of Borough Ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the Clerk.
- c. Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance or delegated to him by the Mayor and Borough Council.
(1969 Code § 2-6.8)

2-21.11 Residency Requirements. In accordance with N.J.S.A. 40:87-15, residency in the Borough of Surf City shall

not be required as a condition of appointment to the position of Municipal Clerk. (Ord. No. 88-1 § 1)

2-21.12 Powers and Duties. The Borough Clerk shall:

- a. Act as secretary of the municipal corporation and custodian of the municipal seal and of all minutes, books, deeds, bonds, contracts, and archival records of the municipal corporation. The Borough Council may, however, provide by ordinance that any other specific officer shall have custody of any specific other class of record;
- b. Act as secretary to the Borough Council, prepare meeting agendas at the discretion of the Council, be present at all meetings of the Council, keep a journal of the proceedings of every meeting, retain the original copies of all ordinances and resolutions, and record the minutes of every meeting;
- c. Serve as the chief administrative officer in all elections held in the Borough, subject to the requirements of Title 19 of the New Jersey Statutes Annotated;
- d. Serve as chief registrar of voters in the Borough, subject to the requirements of Title 19 of the New Jersey Statutes Annotated;
- e. Serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where Statute or ordinance has delegated that responsibility to some other Borough officer;
- f. Serve as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the New Jersey Statutes Annotated;
- g. Perform such other duties as are now or hereafter imposed by statute, regulation or by ordinance or

2-21 **BOROUGH OF SURF CITY CODE**

regulation.
(New)

2-21.13—2-21.20 Reserved.

2-21.21 Deputy Municipal Clerk.

- a. The position of Deputy Municipal Clerk is hereby established. The Deputy Municipal Clerk shall be appointed by the Mayor and Council for a term of one (1) year. Prior to the appointment, the Deputy Municipal Clerk should be qualified by training and experience to perform the duties of his/her office.
- b. The Deputy Municipal Clerk shall perform all those duties and functions as directed by the Municipal Clerk and shall act in place and instead of the Municipal Clerk and assume the Municipal's Clerk's responsibilities as set forth in this section at all times that the Municipal Clerk is absent from his/her position.
- c. In accordance with N.J.S.A. 40:87-15, residency in the Borough of Surf City shall not be required as a condition of appointment to the position of Deputy Municipal Clerk.
(Ord. No. 88-1 § 2)

2-22 BOROUGH ADMINISTRATOR.

2-22.1 Position Created. Pursuant to N.J.S.A. 40A:9-136 there is hereby created the position of Borough Administrator.
(Ord. No. 86-8)

2-22.2 Appointment; Term of Office; Compensation.

- a. *Appointment.* The Borough Administrator shall be appointed by the Mayor with the advice and consent of

the Borough Council in accordance with N.J.S.A. 40A:9-137.

- b. *Term of Office.* The term of office of the Administrator shall be at the pleasure of the Borough Council.
- c. *Compensation.* The Administrator shall receive as salary such sums as may be fixed and adopted by the Council in the annual salary and wage ordinance. (Ord. No. 86-8)

2-22.3 Removal from Office. The Administrator may be removed by a two-thirds (2/3) vote of the Council. The resolution of removal shall become effective three (3) months after its adoption by the Council. In accordance with N.J.S.A. 40A:9-138 the Council may provide that the resolution of removal shall have immediate effect provided, however, that the Council shall cause to be paid to the Administrator forthwith any unpaid balance of his salary and his salary for the next three (3) calendar months following adoption of the resolution. (Ord. No. 86-8)

2-22.4 Qualifications. The Administrator shall be chosen on the basis of his executive and administrative abilities and qualifications with special regard as to education, training and experience in governmental affairs. (Ord. No. 86-8)

2-22.5 Vacancy. Any vacancy in the position of Administrator shall be filled by appointment by the Mayor with the advice and consent of the Borough Council. (Ord. No. 86-8)

2-22.6 Duties and Responsibilities. The Administrator shall, under the supervision and control of the Mayor and Council and to the extent not prohibited by law, have the following duties and responsibilities:

- a. To serve as the principal administrative officer representing the Mayor and Council.

- b. To supervise the administration of all departments and offices in consultation with the respective committee chairpersons.
- c. To represent the Borough in its relation to the Federal, State and County governments and to other municipalities and to evaluate the Borough's interest in contracts, franchises and other business transactions as assigned by the Mayor and Council.
- d. To keep the Mayor and Council informed of the financial condition of the Borough and make such reports thereon as required and to prepare annually a comprehensive report on the financial condition of the Borough.
- e. To study the administrative and other operations of the Borough and make recommendations for plans and programs to meet the changing need of the Borough.
- f. To receive and reply to inquiries and complaints concerning Borough business and to provide information and assistance with respect thereto.
- g. To attend all meetings of the Borough Council as required.
- h. To establish and maintain sound personnel practices and maintain appropriate records of all employees and to have the authority to recommend to the Mayor and Council the initial firing and disciplining of all Borough employees.
- i. To recommend the nature, location and extent of public improvements and to coordinate the execution of same when authorized by the Mayor and Council.
- j. To implement and enforce the policies of the Mayor and Council with respect to the compiling and release of public information.
- k. To receive from each department, office and board their annual budget requests and to review and

ADMINISTRATION

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transmit same along with his comments and recommendations to the Mayor and Council.

- l. To consult with the Mayor and Council on the preparation of the tentative budget, recording changes, additions and deletions thereto and to submit final recommendations in the form required by law, together with an analysis of the various items of expenditure and revenue and such explanatory comments as may be required.
- m. To maintain a continuing review and analysis of budget operations, work progress and the costs of municipal services.
- n. To supervise the disbursement of all Borough funds and to approve all vouchers and bills before submitting same to the Council for final approval as directed by the Council.
- o. To supervise and continually review the Borough's insurance program.
- p. To assist the Council in negotiating contracts for the Borough as authorized by and subject to the approval of the Council.
- q. To act as a liaison on behalf of the Borough with all utility companies serving any portion of the Borough to be sure that such utilities are providing adequately for the needs of the residents of the Borough.
- r. To assure that the provisions of all franchises, leases, permits and privileges granted by the Borough are complied with.
- s. To require each department to maintain adequate inventory records of all equipment and materials owned and used by the Borough and to arrange for the disposal of all inadequate or obsolete materials when directed to do so by the Council.

- t. To assign responsibilities for departmental duties and coordinate interdepartmental operations as authorized by the Council.
- u. To assist the residents of the Borough in matters within his jurisdiction to maintain a record of complaints submitted to him for his attention and to take proper steps to remedy the causes for such complaints.
- v. To keep the Council currently informed of all matters within his jurisdiction by such reports, verbally or in writing, as he deems advisable or as may be requested by the Council and to submit an annual written report of his work accomplished at the request of the Council for the benefit of the public.
- w. To perform such other duties as may be assigned to him by the Mayor and/or Council.
(Ord. No. 86-8)

2-22.7 Position to Be Part-Time. The Administrator's position shall be considered a part-time position. The Council reserves the right at any time to set specific hours for the Administrator by resolution. (Ord. No. 86-8)

2-22.8 Construal of Provisions. Nothing in this section shall derogate from or authorize the Administrator to exercise the power and duties of the elected and appointed officials of the Borough. (Ord. No. 86-8)

2-23 MUNICIPAL ATTORNEY.

2-23.1 Appointment. The Municipal Attorney shall be appointed by the Mayor with the advice and consent of the Council for a term of one (1) year. He shall be an attorney-at-law of the State of New Jersey but need not be a resident of the Borough. In lieu of appointing an individual attorney, the Mayor with the advice and consent of the Council shall appoint a

firm of attorneys, all members of which shall be attorneys-at-law of the State of New Jersey. The attorney shall not receive a fixed salary but shall be paid such retainer as may be agreed upon and authorized by the Council, plus such fees and charges as shall be deemed reasonable. (1969 Code § 2-15.1)

2-23.2 Powers and Duties. The Municipal Attorney shall have such powers and perform such duties as are provided for the office of Borough Attorney by general law or ordinances of the Borough. He shall represent the Borough in all judicial and administrative proceedings in which the municipality or any of its officers or agencies may be a party or have an interest. He shall give all legal counsel and advice where required by the Mayor and Council or any member thereof, and shall in general serve as the legal advisor to the Mayor and Council on all matters of Borough business. In furtherance of such general powers and duties, but without limitation thereto, the Borough Attorney shall:

- a. Draft or approve as to form and sufficiency all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the Borough.
- b. With the approval of the Mayor and Council, conduct appeals from orders, decisions or judgments affecting any interest of the Borough as he may in his discretion determine to be necessary or desirable or as directed by the Mayor and Council.
- c. Subject to the approval of the Borough Council, have power to enter into any agreement, compromise or settlement of any litigation in which the Borough is involved.
- d. Render opinions in writing upon any question of law submitted to him by the Mayor and Council or any member thereof with respect to their official powers and duties, and perform such duties as may be necessary to

provide legal counsel to the Mayor and Council in the administration of municipal affairs.
(1969 Code § 2-15.2)

2-24 TAX COLLECTOR.

2-24.1 Tax Collector; Appointment. The Mayor and Borough Council shall provide for the appointment of a Tax Collector. (New)

2-24.2 Qualifications. No person shall be appointed or reappointed as Tax Collector unless he shall hold a Tax Collector's Certificate issued pursuant to N.J.S.A. 40:9-145.3. Any Tax Collector appointed pursuant to this section may obtain tenure pursuant to the provisions of N.J.S.A. 40A:9-144 or 40A:9-145. Any person who shall be reappointed Tax Collector subsequent to having received a Tax Collector's Certificate pursuant to N.J.S.A. 40A:9-144.3 and having served as Tax Collector or who has performed the duties of Tax Collector for not less than four (4) consecutive years immediately prior to such reappointment shall have acquired tenure and shall hold his or her office during good behavior and efficiency and shall be removed only for good cause shown and after a proper hearing before the Director of the Division of Taxation or his designee in accordance with the provisions of N.J.S.A. 40A:9-145.8. (New)

2-24.3 Term of Office; Tenure. The Tax Collector shall hold his office for a term of four (4) years from January 1 next following his appointment. Vacancies other than due to the expiration of term shall be filled by appointment for the unexpired term. (New)

2-24.4 Salary. The Mayor and Borough Council shall determine the amount of compensation for the Tax Collector in the Salary Ordinances. (New)

2-25 TAX ASSESSOR.

2-25.1 Tax Assessor; Appointment. The Mayor and Borough Council shall provide for the appointment of a Tax Assessor. (New)

2-25.2 Qualifications and Duties. The Tax Assessor shall hold the Tax Assessor's Certificate provided for in N.J.S.A. 54:1-35.25 et seq. and shall have the duty of assessing property for the purpose of general taxation. Nothing in this section shall affect adversely the salary or tenure rights acquired pursuant to N.J.S.A. 54:1-35.31 or any other law. In accordance with the provisions of N.J.S.A. 54:3-16, the Assessor, when making assessments, shall be governed by directions by the Ocean County Tax Administrator. These directions shall be pursuant to rules adopted by the Ocean County Tax Board. (New)

2-25.3 Salaries. The Mayor and Borough Council shall determine the amount of compensation for the Tax Assessor in the Salary Ordinance. (New)

2-25.4 Terms of Office. The Tax Assessor shall hold office for a term of four (4) years. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term. (New)

2-26 BOROUGH ENGINEER.

2-26.1 Appointment; Term. There shall be a Borough Engineer who shall be appointed by the Mayor with the advice and consent of the Council for a term of one (1) year. The Borough Engineer shall receive such compensation as may be agreed upon and determined by the Borough Council. He shall be a duly licensed professional engineer of the State of New Jersey. (1969 Code § 2-16.1)

2-26.2 Duties. The Borough Engineer shall perform such duties as are prescribed by general law and ordinance, and in addition shall:

- a. Prepare, or cause to be prepared, plans, designs and specifications for public works and improvements undertaken by the Borough, either on force account or by public contract.
- b. Provide and maintain surveys, maps, plans, specifications and control records with respect to public works and facilities owned or operated by the Borough.
- c. Provide technical and engineering advice and assistance to other Borough departments as needed.

All papers, documents, memoranda, reports and other materials relating to the administration of engineering duties of the Borough Engineer shall be and remain the property of the Borough. Upon the termination of his services with the Borough, the Borough Engineer shall forthwith surrender to any successor all such property.

(1969 Code § 2-16.2)

2-27 CONSTRUCTION OFFICIAL.

2-27.1 Appointment; Term. The Construction Official shall be appointed by the Mayor with the advice and consent of the Council to serve for a term of one (1) year. Prior to his appointment he shall be qualified by training and experience in the duties of a Construction Official. (1969 Code § 2-17.1)

2-27.2 Duties. The Construction Official shall:

- a. Enforce the Building Code and have all the powers, functions and duties prescribed by general law and ordinance for Construction Officials.
- b. Keep a record of his proceedings, a permit book and complaint book, all of which shall be subject to

inspection. He shall report regularly to the Mayor and Council, at their direction, the number of permits issued, the estimated cost of such work and the fees received and paid by him to the Borough Treasurer.

(1969 Code § 2-17.2; Ord. No. 84-3 § 2)

2-28 BOROUGH PROSECUTOR.

2-28.1 Appointment; Term. There shall be a Borough Prosecutor appointed by the Mayor with the advice and consent of the Council to serve for a term of one (1) year. He shall be an attorney-at-law of the State of New Jersey but need not be a resident of the Borough. (1969 Code § 2-18.1)

2-28.2 Duties of Borough Prosecutor. The Borough Prosecutor shall:

- a. Appear in the Municipal Court on behalf of the Borough to prosecute violations of municipal ordinances and of the Motor Vehicle and Traffic Act of New Jersey, and in such other and different matters where a Borough Attorney is required to appear by the rules of the New Jersey Supreme Court governing practice in the courts of the State of New Jersey.
- b. Assist in research of laws and the preparation of memoranda for trial and briefs on appeal.
- c. Advise and be in attendance at meetings of the Planning Board and Zoning Board of Adjustment, and such other boards or departments when required.
- d. Prepare and conduct the trial of petitions against the Borough in the Workmen's Compensation Division, New Jersey Department of Labor and Industry.
- e. Prepare and prosecute disciplinary proceedings against personnel of the Borough for violations of State and municipal regulations governing municipal officers and employees.

- f. Perform such other legal duties as specified by ordinance or resolution.
(1969 Code § 2-18.2; New)

2-29 CODE ENFORCEMENT OFFICIAL.

2-29.1 Appointment; Term. The Code Enforcement Official shall be appointed by the Mayor with the advice and consent of Council to serve for a term of one (1) year. Prior to his appointment, he shall provide to the Mayor and Council copies of his resume setting forth his qualifications and experience to perform the duties of Code Enforcement Official. (Ord. No. 90-04 § 1)

2-29.2 Duties. The Code Enforcement Official shall:

- a. Enforce all ordinances, codes and emergency resolutions of the Borough and perform all other duties prescribed by the Mayor and Council;
- b. Keep a record of all proceedings in his office and a book of all complaints made to him as Code Enforcement Official, which shall be open for inspection by the Mayor and Council and shall remain the property of the Borough;
- c. Enforce all laws of the State of New Jersey;
- d. Report each month to the Mayor and Council in writing on all violations issued by him;
- e. Make recommendations to the Mayor and Council for the improvement in the enforcement of the Borough ordinances, codes and emergency resolutions.
(Ord. No. 90-04 § 1)

2-29.3 Junior Code Enforcement Officials. Junior Code Enforcement Officials shall be appointed as the Mayor and Council deem necessary. Such appointment shall be made in

the same method and manner as in subsection 2-29.1. (Ord. No. 90-04 § 1)

2-29.4 Code Enforcement Officials Designated as Law Enforcement Officers. The Code Enforcement Official and the Junior Code Enforcement Officials shall be law enforcement officers as that term is defined in N.J.S.A. 7:3-1 of the Rules governing the Courts of the State of New Jersey and shall specifically be empowered to issue summonses returnable in the Municipal Court of the Borough on the forms prescribed by the Administrative Director of the Courts pursuant to N.J.S.A. 1:32.3 of the Rules governing the Courts of the State of New Jersey. The reference in this subsection to the Rules governing the Courts of the State of New Jersey shall also apply to any changes or successor rules adopted by the Supreme Court of the State of New Jersey. (Ord. No. 90-04 § 1)

2-29.5 Limitations on Code Enforcement Officials. The Code Enforcement Official and the Junior Code Enforcement Officials shall not have the power to arrest violators. If arrest is justified, in their opinion, they shall make a formal complaint before the Clerk of the Municipal Court, who shall then issue process in accordance with the New Jersey Rules of Court.

The Code Enforcement Official and the Junior Code Enforcement Officials shall not carry firearms, nightsticks, handcuffs, or other implements designed for crowd control or as an aid or assistance to making an arrest. (Ord. No. 90-04 § 1)

2-30 Purchasing Agent

2-30.1 Position Created. There is hereby created the position of a Purchasing Agent, a Deputy Purchasing Agent or Deputy Purchasing Agents, an Assistant Purchasing Agent or Assistant Purchasing Agents for the Borough of Surf City. (Ord. No. 99-17 § VI)

2-30.2 Appointment and Term of Office. The Purchasing Agent shall be appointed by the Mayor upon the advice and consent of the Borough Council and shall serve for a term so designated by and at the pleasure of Council. (Ord. No. 99-17 § VI)

2-30.3 Qualifications. To be appointed to the position of Purchasing Agent, a person must have.

- a. The ability to read, write, speak and understand the English language sufficiently to perform the duties of this position.
- b. Two (2) years of experience in work involving ordering, receiving, examination and distribution of supplies, materials and equipment.
- c. Considerable knowledge of the problems, procedures and practices involved in ensuring that all items ordered are shipped by vendor on the promised shipping date and in arranging for proper distribution as required.
- d. The ability to perform expediting work under a variety of circumstances, to be courteous at all times and to perform the clerical work involved in this kind of function.
- e. Basic supervisory knowledge.
- f. The ability to establish and maintain effective relationships with vendors, suppliers, supervisors, department heads, employees and the general public.
- g. Completed the purchasing and administration courses offered by Rutgers University or the equivalent in experience and demonstrated training and knowledge. (Ord. No. 99-17 § VI)

2-30.4 Duties.

- a. The Purchasing Agent shall act on behalf of the Borough of Surf City and shall have the authority to prepare public advertising for bids; to receive bids for the purchase of work, materials and supplies on behalf of the Borough Council; and to negotiate and award contracts in accordance with subsection 2-11.2c of this chapter.
- b. The Purchasing Agent shall be responsible for the efficient development, coordination, implementation and supervision of the complete municipal purchasing program.
- c. The Purchasing Agent shall perform all necessary purchasing functions, including requests for bid submission, inventory control, inventory distribution and inventory receiving; and perform necessary overseeing for security functions as it relates to purchasing inventory protection.
- d. Perform other duties as may be required or assigned by the Mayor and, when necessary the Borough Council.
(Ord. No. 99-17 § VI)

2-30.5 Duties of the Deputy Purchasing Agent or Deputy Purchasing Agents, Assistant Purchasing Agent or Assistant Purchasing Agents.

- a. The Deputy Purchasing Agent or Deputy Purchasing Agents, Assistant Purchasing Agent or Assistant Purchasing Agents shall perform all duties as may be assigned or required by the Purchasing Agent.
- b. The Deputy Purchasing Agent or Deputy Purchasing Agents, Assistant Purchasing Agent or Assistant Purchasing Agents shall perform all duties as may be assigned or required by the Mayor and/or Borough Council.

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- c. The Deputy Purchasing Agent or Deputy Purchasing Agents, Assistant Purchasing Agent or Assistant Purchasing Agents shall perform all of the duties as required of the Purchasing Agent in his or her absence. (Ord. No. 99-17 § VI)

2-31 PUBLIC DEFENDER.

2-31.1 Appointment; Term. There shall be a Public Defender appointed by the Mayor with the advice and consent of the Council to serve for a term of one (1) year commencing on January 1 and thereafter until a successor has been appointed and qualified. The Public Defender shall be licensed to practice law in the State of New Jersey. In the event that more than one Public Defender is appointed, the Mayor shall designate, with the advice and consent of the Borough Council, a Chief Municipal Public Defender who shall have authority over the other Public Defenders serving the municipal court with respect to the performance of their duties. (Ord. No. 2013-04)

2-31.2 Duties. The Public Defender shall be responsible for the representation of indigent defendants brought before the Municipal Court in the Borough of Surf City on the basis of standards to be established by the Judge of the Municipal Court and shall have such other duties and responsibilities as may be provided by law. (Ord. No. 2013-04)

2-31.3 Compensation. The Public Defender shall be paid in accordance with contracts entered into with the Borough of Surf City in accordance with the requirements of the Local Public Contracts Law. N.J.S.A. 40A:11-1 et seq. (Ord. No. 2013-04)

2-32—2-40 RESERVED.

Article V
Municipal Court

2-41 MUNICIPAL COURT.

2-41.1 Established; Powers. There shall be a Municipal Court in the Borough pursuant to the provisions of Chapter 264 of the 1948 Laws of New Jersey, as amended and supplemented, to be known as the Municipal Court of the Borough of Surf City, Ocean County. The Municipal Court shall have a seal bearing the impress of the name of the Court. The Court shall be held in the Borough Hall or such other place as the Borough Council shall designate, and shall exercise all of the functions, powers, duties and jurisdiction conferred upon Municipal Courts by the provisions of Chapter 264 of the 1948 Laws of New Jersey, as amended and supplemented, or any other law. (1969 Code § 2-19.1)

2-41.2 Municipal Judge; Powers and Duties. There shall be a Municipal Judge of the Municipal Court who shall be appointed by the Mayor with the advice and consent of the Council; provided, however, that if the Mayor fails to nominate a Judge within thirty (30) days after the office becomes vacant, or if the Council fails to confirm any nomination made by the Mayor within thirty (30) days after the same is made, then the Council shall appoint the Judge. The term of such Judge shall be for a period of three (3) years from the date of appointment and until his successor is appointed and qualified. The Municipal Court and the Municipal Judge thereof shall have, possess and exercise all the functions, powers, duties, and jurisdiction confirmed by the provisions of N.J.S.A. 2A:8, as amended and supplemented, or any other law. (1969 Code § 2-19.2)

2-41.3 Court Administrator. There shall be an Administrator of the Municipal Court appointed by the Mayor and Council, who shall perform such functions and duties prescribed for him by law, the rules applicable to Municipal

Courts, and by the Municipal Judge. His/her duties shall include, but not be limited to:

- a. Carrying out the rules, regulations, policies and procedures relating to the operation of the Court.
 - b. Interviewing and speaking to prospective complainants; receiving complaints and dispensing information relating to Court matters.
 - c. Maintaining the financial records of the Court.
 - d. Attending Court, taking minutes of the trials and entering them in the docket; arranging trial calendars, signing Court documents; preparing and issuing warrants and commitments.
 - e. Taking and preparing bail bonds, making inquiry as to their sufficiency and equity; receiving and accounting for fines and costs.
 - f. Interviewing persons on informal Police court matters to determine if there is a basis for formal action and, if necessary, issue summonses requiring Court appearances in their regard; maintaining and classifying records and fines.
- (1969 Code § 2-19.3)

Article VI

Boards, Commissions and Committees*

2-42 BOARD OF ASSISTANCE.

There shall be a Board of Assistance of the Borough composed of three (3) members appointed by the Mayor with the advice and consent of the Council. One (1) member of the

*Editor's Note: For provisions regarding the Planning Board and Zoning Board of Adjustment, see Chapter XXVII of this Code.

board shall serve for a term of one (1) year and may be a member of the governing body. At least one (1) of the three (3) members of the board shall be a woman. Two (2) members shall serve for terms of two (2) years each. They shall serve without compensation. The Board of Assistance shall have such powers and perform such duties as prescribed by general law and ordinance, and shall appoint a Director of Welfare pursuant to State law. (1969 Code § 2-22)

2-43 BOARD OF HEALTH.

2-43.1 Established. There shall be a Board of Health in the Borough which shall consist of five (5) members appointed by the Mayor with the advice and consent of the Borough Council. Members shall be appointed for a term of three (3) years. Appointments to fill vacancies shall be made in the same manner as original appointments and all such appointments shall be for the unexpired term only. (1969 Code § 2-23.1)

2-43.2 Powers and Duties. The Board of Health shall have the power and authority to adopt ordinances relating to the protection of the health of Borough residents, and shall have under its jurisdiction the Bureau of Vital Statistics of the Borough, the Health Officer and such other employees as are necessary to carry out its duties. The Board of Health shall have all of the jurisdiction conferred upon Boards of Health by Title 26 of the New Jersey Statutes Annotated. The Borough Police Officers shall be special sanitary inspectors and they shall promptly report to the Board of Health every violation of Borough health ordinances which may occur within their observation or knowledge. (1969 Code § 2-23.2)

2-43.3 Debt Limitation. The Board of Health shall not contract any debts of any kind beyond the amount of the appropriations first made for its use by the Borough Council. (1969 Code § 2-23.3)

2-44 VOLUNTEER FIRE COMPANY.*

2-44.1 Recognition. The Surf City Volunteer Fire Company No. 1 is hereby recognized as the official firefighting and Emergency Medical Services organization in and for the Borough of Surf City. (1969 Code § 2-24.1; Ord. No. 91-9 § 1)

2-44.2 Qualifications. No person shall hereafter become a member of the Surf City Volunteer Fire Company No. 1 unless such person is a citizen of the United States and has been a resident of the Borough at least three (3) months or has been a resident of the North Beach Section of Long Beach Township from the southerly side of the centerline of Roxy Avenue to the northern edge of the Borough for a period of at least three (3) months. He shall be physically fit to perform the duties of a fireman, evidenced by a certificate to that effect signed by a practicing physician of the State of New Jersey, after a physical examination is had for that purpose. Age limitations for the four (4) classes of membership shall be as follows:

- a. Junior associate members, sixteen (16) and seventeen (17) years.
- b. Junior active members, sixteen (16) and seventeen (17) years.
- c. Active members, eighteen (18) to forty (40) years inclusive.
- d. Senior active members, forty-one (41) years of age and over.

A complete background check shall be performed on all persons applying for membership and the applicants shall provide any and all information necessary to perform the

***Editor's Note:** See also Section 2-62, Length of Service Awards Program (LOSAP).

background check.

(1969 Code § 2-24.3; Ord. No. 73-4; Ord. No. 73-13; Ord. No. 82-11; Ord. No. 91-9 § 2)

2-44.3 Attendance at Fires and Drills. Every active member of the Surf City Volunteer Fire Company No. 1 shall, in each and every year, be required to perform at least sixty (60%) percent of duty, to be composed of actual attendance and duty at fires and drills. (1969 Code § 2-24.3)

2-44.4 Attendance Records. An accurate record shall be kept by the Secretary of the Fire Company and reported under oath by the Chief of the Company to the Mayor and Borough Council on or before January 15th of each and every succeeding year, of the attendance and duty at fires and drills of each of the members of Company. (1969 Code § 2-24.4)

2-44.5 Application. Every person seeking to join the Surf City Volunteer Fire Company No. 1 shall make application in writing to the Company, stating date and place of birth and, if naturalized, giving the date and place, residence and physical condition. In order to be considered, an application must be accompanied by a certificate of a practicing physician as required in subsection 2-44.2. (1969 Code § 2-24.5)

2-44.6 Election of Members. An applicant may be elected to membership in the Company by a majority vote of the members present and voting at any meeting at which a quorum shall be present; provided, however, such membership shall not become effective until the name of the person so elected has been reported to the Borough Council by the Chief of the Company, with his approval, and until such election shall be confirmed and approved by resolution of the Borough Council. (1969 Code § 2-24.6)

2-44.7 Election of Chief. The Chief shall be elected by the Fire Company subject to the approval of the Mayor and Borough Council. (1969 Code § 2-24.7)

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2-44.8 Membership Roll. Upon the election and approval of a member of the Company, his name shall be entered upon a

roll of members of the Fire Company, to be kept by the Borough Clerk, and the member so elected shall be furnished with a membership badge of the Surf City Volunteer Fire Company No. 1, which badge shall be worn at all times by the member when on duty. The badge shall be surrendered and delivered to the Chief of the Company at any time upon his demand, or whenever the member shall be under charges in writing before the Company for offenses involving mortal turpitude or neglect of duty, or whenever the member shall cease to be an active member of the Company. (1969 Code § 2-24.8)

2-44.9 Removal. Any member of the Company may be removed for cause and upon notice by a majority vote of the members in good standing of the Company, or for cause and upon notice by a majority vote of the members of the Borough Council. Violation by any member of any of the requirements of this section shall count as good cause for removal. (1969 Code § 2-24.9)

2-44.10 Exemption Certificate. Exemption certificates shall be issued to members of the Surf City Volunteer Fire Company No. 1, who shall have served seven (7) years in active duty as required by Chapter 176, Laws of 1935, and the certificates shall, upon the face thereof, indicate the percentage of duty performed each year, and shall be signed by the Mayor and Borough Clerk. (1969 Code § 2-24.10)

2-45 CIVIL DEFENSE/EMERGENCY MANAGEMENT.

2-45.1 Appointment. An Emergency Management Coordinator, a Deputy Emergency Management Coordinator or Deputy Emergency Management Coordinators, and an Emergency Management Council may be appointed by the Mayor with the advise and consent of Council. The Emergency Management Coordinator, Deputy Emergency Management Coordinator or Deputy Emergency Management Coordinators may be a nonresident of the municipality. Nothing herein shall

prohibit an individual, person or persons from holding multiple positions and/or titles. (Ord. No. 99-15 § III)

2-45.2 Term of Office. The term of office of Emergency Management Coordinator, Deputy Emergency Management Coordinator or Deputy Emergency Management Coordinators shall be three (3) years in accordance with the law. (Ord. No. 99-15 § III)

2-45.3 Compensation. The Emergency Management Coordinator, Deputy Emergency Management Coordinator or Deputy Emergency Management Coordinators shall receive such sums as may be fixed and adopted by Council in the annual Salary and Wage Ordinance. (Ord. No. 99-15 § III)

2-45.4 Duties. The Emergency Management Coordinator, Deputy Emergency Management Coordinator or Deputy Emergency Management Coordinators shall:

- a. Perform and/or supervise all of the administrative duties associated with the Office of Emergency Management within the municipality.
- b. Delegate such daily administrative and supervisory functions of the Office of Emergency Management within the municipality as he or she shall deem appropriate for the efficient operation of the office.
- c. Be the executive head of the Office of Emergency Management within the municipality, subject to the direction and supervision of the Mayor and/or Police Committee of the Borough Council, and shall be responsible for the proper and efficient operation of the Department and the supervision of its activities.
- d. Be responsible for the observation and enforcement of all laws of the state and ordinances within the jurisdiction of the Office of Emergency Management within the municipality and the enforcement of the

rules and regulations of the Office of Emergency Management.

- e. See that all persons connected with the Office of Emergency Management within the municipality are properly instructed in their duties, and giving particular attention to the training and instruction of new members thereof.
- f. Have under his or her control all records and property of the Office of Emergency Management within the municipality and designate any member of the office or prepare reports and keep the records in such manner as he or she may prescribe, as well as take charge of such property and any other property coming into the custody of the Office of Emergency Management.
- g. Other duties and responsibilities as may be promulgated by the Police Committee or Borough Council.
- h. See that the Emergency Operation Plan for the municipality is kept up to date and submitted for approval as required by law.
- i. Apply for Emergency Management funding grants when available.
(Ord. No. 99-15 § III)

2-46 WEED CONTROL COMMISSION.

2-46.1 Appointment. A Weed Control Commission consisting of three (3) members shall be appointed annually by the Mayor with the advice and consent of the Borough Council. The terms of office of such members shall expire on December 31 of the year in which they are appointed. The Mayor, with the advice and consent of the Council, shall designate one (1) of the members of the Commission as its Director. (1969 Code § 2-26.1)

2-46.2 Powers and Duties. The Weed Control Commission shall have responsibility for the enforcement of any and all Borough ordinances requiring or pertaining to the removal of brush, weeds, obnoxious growths, trash and debris from lands in the Borough, and shall have all powers necessary to act in the enforcement thereof. Prior to taking any action to remove any such brush, weeds, obnoxious growths, trash or debris from a particular property, the Weed Control Commission shall report to the Borough Council concerning the lands involved, and shall act to clear such lands only after receiving approval from the Council. (1969 Code § 2-26.2)

2-47 OCEAN COUNTY SEWERAGE AUTHORITY.

The Borough has ascertained and does hereby determine that it is situated within the district (as defined in the agreement) of the Ocean County Sewerage Authority, that it can advantageously use the regional sewerage system of the Authority, and that it will be economical and in other respects advantageous to it to have wastewater, sewage and other wastes treated and disposed of by the Ocean County Sewerage Authority on and pursuant to the terms of an agreement about to be executed between the Borough of Surf City and the Ocean County Sewerage Authority and any supplements or amendments thereto.

The Borough shall enter into an agreement and any supplements or amendments thereto in a form approved by the Borough Attorney under the corporate seal of the Borough which shall be affixed and attested by the Borough Clerk, and to deliver the same.

The agreement and any supplements or amendments thereto shall be in substantially the form presented to the Mayor and Council on or about June 18, 1973, and in the office of the Borough Clerk. (Ord. No. 73-6 §§ 1-5; Ord. No. 74-4)

2-48 JOINT ENVIRONMENTAL COMMISSION.

2-48.1 Establishment; Purpose; Name. There is hereby established pursuant to N.J.S.A. 40:56A-8 et seq., a Joint Environmental Commission of the Boroughs of Ship Bottom, Surf City, Harvey Cedars, Barnegat Light, Beach Haven and the Township of Long Beach for the protection, development and use of natural resources, including water resources, located within the territorial limits of the Boroughs and the Township, which shall be known as the Joint Environmental Commission of Long Beach Island, and which shall be governed by the provisions of the aforementioned law and this chapter. (Ord. No. 04-10 § 1; Ord. No. 2005-09 § 1; Ord. No. 2006-09 § 1)

2-48.2 Membership; Qualifications; Terms; Vacancies; Compensation; Chairperson; Municipal Liaison. The Commission shall consist of twelve (12) members as follows: two (2) persons appointed by the Mayor of each municipality with the consent of the Governing Body thereof: one (1) of whom shall also be a member of the Planning or Land Use Board of the municipality. All terms of office shall be for one (1) year computed from January 1 of the year of appointment, and the members shall serve after the expiration of their terms until their successors are appointed and qualified. A vacancy on the Commission occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as the original appointment. A majority of the members of the Commission shall hold no other public office except membership on a municipal or other planning board. Members of the Commission shall serve without compensation, but within budgetary limitations, they may receive reimbursement for actual expenses necessarily incurred in the performance of their duties. The Commission shall elect one of its members as Chairman who shall hold no other public office or position, except that he or she may be a member of a municipal or other planning board. The term of office of the chairman shall be one (1) year, computed from January 1 of the year of election.

The Governing Body of each municipality shall have the right to designate one of its members as liaison to the Commission. Such designee may attend meetings and participate in deliberations of the Commission, but shall not have the right to vote on matters before the Commission. (Ord. No. 04-10 § 1; Ord. No. 2005-09 § 1; Ord. No. 2006-9 § 1)

2-48.3 Removal of Members. The Mayors and Governing Bodies may remove a member of the Commission, from their own municipality, for cause, on written charges served upon a member. The member shall be entitled to a hearing and shall be entitled to be represented by counsel. (Ord. No. 04-10 § 1; Ord. No. 2005-09 § 1; Ord. No. 2006-9 § 1)

2-48.4 General Powers. The Commission shall have the power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, aquatic resources and protection of flora and fauna. The Commission shall have the power to conduct research into the use and possible use of the open land areas of the municipalities and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes, within appropriations made available to it therefor. It shall keep an index of all open areas, publicly or privately owned, including open marshland, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the Planning and Land Use Boards, plans and programs for inclusion in the master plans and the development and use of such areas. It shall also have such other powers and duties as shall from time to time be prescribed by the municipal Governing Bodies. (Ord. No. 04-10 § 1; Ord. No. 2005-09 § 1; Ord. No. 2006-9 § 1)

2-48.5 Acquisition and Administration of Property.

The Commission may, subject to approval of the Governing Bodies, acquire property, both real and personal, in the name of the municipalities by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions) as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas in the municipalities. (Ord. No. 04-10 § 1; Ord. No. 2005-09 § 1; Ord. No. 2006-9 § 1)

2-48.6 Records and Reports. The Commission shall keep records of its meetings and activities and shall make a report to the Governing Bodies annually and such other times as may be requested by them. (Ord. No. 04-10 § 1; Ord. No. 2005-09 § 1; Ord. No. 2006-9 § 1)

2-48.7 Employees. The Commission may appoint such clerks and other employees and incur such expenses as it may from time to time require, provided that the same shall be within the limit of funds appropriated to it. (Ord. No. 04-10 § 1; Ord. No. 2005-09 § 1; Ord. No. 2006-9 § 1)

2-48.8 Apportionment of Expenses; Budget; Appropriations. The participating municipalities shall share in the annual operating expenses of the Commission in proportion to the taxable property within their respective boundaries, as equalized for the purpose of apportioning County taxes, for the preceding year. The Commission shall submit its proposed annual budget to the Governing Bodies of the municipalities at such time and in such form and in accordance with such procedures as the Governing Bodies shall

prescribe. The budget as finally agreed upon by unanimous approval of the Governing Bodies shall constitute the budget of the Commission for the budget year, and each municipality shall appropriate and raise money for its share of said budget, as required by law. Special appropriations for capital or other special purposes may be made by the municipalities pursuant to agreement between them from time to time. (Ord. No. 04-10 § 1; Ord. No. 2005-09 § 1; Ord. No. 2006-9 § 1)

2-49—2-59 RESERVED.

**Article VII
Administrative Procedures**

**2-60 FEES FOR BOROUGH DOCUMENTS, RECORDS
AND SERVICES.**

2-60.1 Copies of Public Records.

- a. The following fees shall be charged for the purchase of copies of public documents:
 1. Five (\$0.05) cents per letter size page or smaller, and seven (\$0.07) cents per legal size page or larger.
 2. If the actual cost for duplication of a public document or record exceed the foregoing rates, the Borough may charge the actual cost of duplicating the record. The actual cost of duplicating the record upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor other overhead expenses associated with making the copy except as provided for in paragraph d. of this subsection. Access to electronic records and nonprinted materials shall be provided free of

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charge, but the Borough may charge for the actual cost of any needed supplies such as computer discs.

- b. Except as otherwise provided by law, all records of the Borough shall be available to the public upon written request therefor, which may, but need not be made, on a form provided by the Borough, a copy of which is on file at the Borough Clerk's office and has been approved by resolution of the Borough Council, and within such response time or times as may be stated thereon and provided by law.
- c. Such records may be inspected at the principal office of the Borough during regular business hours and may be copied, by hand, under the supervision of a representative of the Borough.
- d. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the Borough may charge in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies. The requestor shall have the opportunity to review and object to the charge prior to it being incurred.
- e. The Custodian shall permit access to a Borough record and provide a copy thereof in the medium requested if the Borough maintains the record in that medium. If the Borough does not maintain the record in the medium requested, the Custodian shall either convert the record to the medium requested or provide a copy in some other meaningful medium. If a request is for a record: (1) in a medium not routinely used by the Borough; (2) not routinely developed or maintained by the Borough; or

(3) requiring a substantial amount of manipulation or programming of information technology, the Borough may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing this service, that is actually incurred by the Borough or attributable to the Borough for the programming, clerical, and supervisory assistance required, or both.

(1969 Code § 17-1.1; New; Ord. No. 2002-10 § 1; Ord. No. 2011-05)

2-60.2 Municipal Court Discovery.

- a. All requests for discovery in matters pending in the Surf City Municipal Court shall be submitted through the Municipal Prosecutor.
- b. Fees payable by the requestor to the Borough of Surf City for discovery shall be charged in accordance with subsection 2-60.1 of this chapter.
- c. The requestor shall be charged actual postage plus twenty-five (\$0.25) cents per envelope for any discovery sent by mail.
- d. Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual costs of making the photographs shall be charged.
- e. Duplication of video tapes constitutes an extraordinary duplication process and will be charged at the rate of five (\$5.00) dollars per video tape.
- f. On any item that cannot be photocopied on the Borough's copy machine or not otherwise provided for in this schedule, the actual cost incurred in making the copies shall be charged.

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- g. Where the discovery must be obtained from an entity other than the Borough of Surf City, e.g., another police department, the actual costs paid to the other entity shall be paid by the requestor.
(1969 Code § 17-1.2; Ord. No. 90-15 § 1; Ord. No. 2004-14 § 1)

2-60.3 Duplicate Tax, Water and Sewer Bills. The following fees shall be charged for duplicate tax, water and sewer bills, and statements for the same shall be rendered only under the conditions indicated:

- a. Written verification of bills issued and payments made thereon. These will be issued only to those having a proven interest in the property, three (\$3.00) dollars.
- b. Duplicate bills issued to the property owner only upon request, twenty-five (\$0.25) cents.
- c. Statements showing the amount of yearly billings only, twenty-five (\$0.25) cents.
(1969 Code § 17-1.3)

2-60.4 Permanent Discontinuance of Water and Sewer Service. A fee of ten (\$10.00) dollars shall be charged for discontinuance of water and sewer services, payable to the Tax Collector, upon the demolition or removal of any building. The fee shall be paid prior to the issuance of a permit by the Construction Official for the demolition or removal of the building. (1969 Code § 17-1.4)

2-60.5 Returned Check Fees. For any check or draft made payable to the Borough of Surf City returned unpaid for any reason, the drawer of the check or the account intended to be paid, shall be charged an additional twenty (\$20.00) dollars per such return. (1969 Code § 17-1.5; Ord. No. 91-6 § 1)

2-60.6 Municipal Court Public Defender Application Fees. Any person applying for representation by the Municipal Public Defender shall pay an application fee for the representation in the amount of not more than two hundred (\$200.00) dollars. The Municipal Court Judge, upon careful consideration of the application, may waive any portion of this application fee, if in his discretion, he finds the same to be an unreasonable burden on the person seeking representation. (Ord. No. 95-22 § 1; Ord. No. 98-3 § I)

2-60.7 Electronic Tax Records. Request for electronic copy of municipal tax record file shall be made in writing and shall be charged five (\$5.00) dollars per request. (Ord. No. 2008-07 § I)

**2-61 MUTUAL AID AND INTERLOCAL AGREEMENT
FOR POLICE SERVICES.**

2-61.1 Preamble. The County of Ocean consists of thirty-three (33) municipalities, thirty-two (32) of which have municipal Police or Fire departments operating for or within the Township of Barnegat, Borough of Barnegat Light, Borough of Bay Head, Borough of Beach Haven, Borough of Harvey Cedars, Borough of Island Heights, Township of Jackson, Township of Lacey, Borough of Lakehurst, Township of Lakewood, Borough of Lavallette, Township of Little Egg Harbor, Township of Long Beach, Township of Manchester, Borough of Mantoloking, Borough of Ocean Gate, Township of

Ocean, Borough of Pine Beach, Township of Plumsted, Borough of Point Pleasant, Borough of Point Pleasant Beach, Borough of Seaside Park, Borough of Ship Bottom, Borough of South Toms River, Township of Stafford, Borough of Surf City, Borough of Tuckerton and Township of Eagleswood, which regularly interact and provide assistance to each other in Police related emergencies and special situations; and

Each of the aforementioned municipalities in the County of Ocean wish to formalize and refine existing practice by entering into mutual aid and interlocal agreements. (Ord. No. 99-7, Preamble)

2-61.2 Mutual Aid and Interlocal Agreements—Established. Pursuant to N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1 and 40:8A-1 et seq., there are hereby establishing mutual aid and interlocal agreements among and between this municipality and each of the aforementioned municipalities in the County of Ocean, New Jersey, which shall become effective upon the adoption by one (1) or more of the aforementioned municipalities (hereinafter referred to as “participating municipalities”) of reciprocal ordinances and resolutions to provide mutual aid and interlocal Police services. This agreement shall apply whenever this municipality may have an emergency or special situation within its boundaries requiring additional Police assistance to protect life and property, and whenever any of the aforementioned municipalities may experience a similar emergency. (Ord. No. 99-7 § 1)

2-61.3 Emergency—Defined; S.O.P. For purposes of this section, the term “emergency” shall be defined to include situations in which the number of available Police Officer, in a participating municipality is insufficient to meet the public need in a particular situation and situations where police aid involving special expertise or training is required in order to protect life and property or to assist in suppressing a riot or disorder or as defined by interlocal agreement. No formal declaration of emergency is required to implement the

provisions of the mutual aid or interlocal services agreement.
(Ord. No. 99-7 § 2)

2-61.4 Requests for Assistance. The Chief or acting head of the Police Department or Mayor, or Chief Executive Officer of a participating municipality, is hereby authorized to request assistance from the Chief or other head of the Police Department of any other participating municipality to provide aid in accordance with N.J.S.A. 40A:14-156 and 40:8A-1 et seq.
(Ord. No. 99-7 § 3)

2-61.5 Provision of Assistance. A participating municipality shall provide Police assistance when a valid request in accordance with this agreement to supply personnel is made, to the extent possible without endangering persons or property within the confines of the providing municipality.
(Ord. No. 99-7 § 4)

2-61.6 Powers; Rights; Immunities. The members of the providing municipality's Police Department supplying aid shall have the same powers, authority, rights and immunities as the members of the Police Force of the requesting municipality when aid is being rendered therein. Said members shall also have, while so acting, such rights and immunities as they may otherwise enjoy in the performance of their normal duties in the municipality rendering such assistance. (Ord. No. 99-7 § 5)

2-61.7 County Critical Incident Management Plan. These mutual aid and interlocal agreements established herein by and between the aforementioned municipalities in the County of Ocean shall further authorize mutual Police Aid and interlocal assistance under the County Critical Incident Management Plan as established by the Ocean County Prosecutor, as the Chief Law Enforcement Official in the County. The plan provides for a response by specially trained regional Emergency Response/Special Weapons and Tactics Team in the event of certain hostage, barricade, sniper, high risk armed apprehensions, terrorist or similar situations

occurring within the municipality within the County of Ocean.
(Ord. No. 99-7 § 6)

2-61.8 Benefits, Injury; Death. Members of the Police Force of the providing municipality suffering injury, or their legal representatives, if death results while rendering assistance in the requesting municipality, shall be entitled to all such salary, pension rights, workmen's compensation or other benefits, as they would have accrued if such injury or death had occurred in the performance of duties in their own municipality, with such benefits to be the responsibility of the providing municipality. (Ord. No. 99-7 § 7)

2-61.9 Reimbursement. A municipality receiving Police assistance hereunder pursuant to the terms of the County Critical Incident Management Plan shall not be required to directly reimburse the regional team for services so provided. The member municipalities shall however otherwise support the function of the respective regional response teams by providing the necessary manpower, equipment and supplies on an ongoing annual basis pursuant to the terms of the County Critical Incident Management Plan.

Where Police aid is otherwise provided under circumstances outside of the County Critical Incident Management Plan, reimbursement shall be pursuant to N.J.S.A. 40A:14-156 and N.J.S.A. 40:8A-1 et seq. or such other terms and conditions for reimbursement specifically agreed to between specific municipalities. (Ord. No. 99-7 § 8)

2-61.10 Effective Date of Section. This section shall take effect upon first passage and publication according to law. It shall become effective with respect to this municipality's activities with another participating municipality, when such other participating municipality has adopted an ordinance reciprocal to this one, and such ordinance has become effective in that municipality. (Ord. No. 99-7 § 9)

2-61.11 Effective Date of Resolution Incorporating Ocean County Critical Incident Management Plan. A resolution incorporating the Ocean County Critical Incident Management Plan into an interlocal services agreement shall take effect upon passage according to the law. It shall become effective with respect to this municipality's activities with another participating municipality, when such other participating municipality has adopted a resolution reciprocal to this one, and such resolution has become effective in that municipality. (Ord. No. 99-7 § 10)

2-62 LENGTH OF SERVICE AWARDS PROGRAM (LOSAP).*

- a. A Length of Service Awards Program (LOSAP) is herewith created in accordance with Chapter 388 of the Laws of 1997, to reward Fire Company members for their loyal, diligent, and devoted services to the residents of the Borough of Surf City.
- b. The LOSAP shall provide for fixed annual contributions to a deferred income account for each volunteer member that meets the criteria set forth below; that such contributions shall be made in accordance with a plan that shall be established by the Borough of Surf City pursuant to P.L. 1997 c.388; and that such plan shall be administered in accordance with the laws of the State of New Jersey, the U.S. Internal Revenue Code, and this section.
- c. The Surf City Volunteer Fire Company No. 1 and Emergency Medical Services services within its response district all of Surf City as well as a portion of Long

***Editor's Note:** Ordinance No. 02-05 which adopted this section creating the Length of Service Awards Program (LOSAP), was approved by the electorate of the Borough of Surf City at the election of November 5, 2002.

Beach Township known as North Beach from 25th Street to Roxie Avenue. The coverage breakdown for the towns in the protection area would be as follows:

1. Borough of Surf City—2225 real properties or 89%
 2. Long Beach Township—276 real properties or 11%
- d. The LOSAP shall provide for annual contributions to each eligible member that meets the criteria as follows:
1. Fifty (50) points are required for a member to be eligible for an annual contribution (See Schedule A*).
 2. Five (5) years of service are required for vesting.
 3. The annual contribution shall be eighty-nine (89%) percent of \$1,150.00 or \$1,024.00 per eligible member.
 4. The cost to be budgeted annually by the Borough of Surf City is anticipated to be \$45,034.00.
(Ord. No. 02-05 § I)

* **Editor's Note:** Schedule A, referred to herein, may be found at the end of this section.

SCHEDULE A

**Surf City Volunteer Fire Company No. 1 and
Emergency Medical Services Length of
Service Awards Program**

1. Earning 50 points will award an eligible year of service
2. Each active volunteer shall be credited with points for volunteer services provided to the volunteer fire company and EMS in accordance with the following Point System:

Fire Call Responses

60 percent or greater	20 points
50 to 59 percent	16 points
40 to 49 percent	13 points
30 to 39 percent	10 points
20 to 29 percent	7 points
Less than 20 percent	5 points

Emergency Medical Services

Call Response	1 point each call
Company Drills	3 points each
Special Drills and other Sanctioned Activities	3 points each
Regular Company meetings per bylaws	3 points each
Training Courses	2 points each
Fund Raising Events	4 points each event
Elected Offices as per bylaws	20 points
Committee Chairperson	4 points each
Committee Member	3 points
Life Member	25 points
Fire Police	10 points

3. Member is vested after five (5) qualifying years.
4. Annual contribution of \$1,024.00 per member who has earned a qualifying year.
5. The estimated cost of the program has been calculated as follows: Regular annual services: \$45,034.00.

2-63 DEFINED CONTRIBUTION RETIREMENT PROGRAM.

- a. *Eligible Positions; Participation Required.* Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
 - 1. Borough Administrator.
 - 2. Municipal Court Judge.
- b. *Exempt Positions.* Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2.
 - 1. Tax Collector.
 - 2. Chief Financial Officer.
 - 3. Tax Assessor.
 - 4. Municipal Clerk.
 - 5. Construction Code Official.
 - 6. Principal Public Works Manager.
- c. *Additional Exemptions.* If an individual is appointed to one (1) of the positions listed in paragraph a. and the individual is not serving in a position as described in paragraph 2. above, the Pension Certifying Officer of the Municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual: (1) was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or (2) has been appointed pursuant to a valid promotional process; or (3) is appointed on a temporary, interim, or "acting" basis to a position requiring State Certification as set forth in paragraph 2. herein, and is in pursuit of the required certification; or (4) meets such other exceptions that

may be approved by the Local Finance Board or the Division of Pensions and Benefits.

- d. *Implementation of Program.* This section shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.
(Ord. No. 2008-08 §§ 1-4)