

## **Title 2 ADMINISTRATION AND PERSONNEL**

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### **Chapter 2.04 BOROUGH OFFICES GENERALLY**

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**2.04.010 Enumerated.**

There shall be elected by the voters of the borough a mayor, and six councilmembers.

(Ord. 2001/21 § 1 (part): prior code § 2-2.1)

**2.04.020 Terms of office.**

The term of office of all elected officers shall begin at noon on January 1st following their election. The mayor shall hold office for four years and until a successor shall have qualified. Councilmembers shall hold office for three years and until their successors shall have qualified. Their terms shall be arranged so that the terms of two councilmen shall expire at the end of each year.

(Ord. 2001/21 § 1 (part): prior code § 2-2.2)

**2.04.030 Resignation and vacancies.**

A. Mayor. If the mayor presents his or her resignation to the council, the resignation may be accepted by a vote of the council and the office of mayor shall thereupon be deemed vacant.

A vacancy occurring in the office of mayor, whether by resignation or otherwise, shall be filled by the council until the next annual election and until the election and qualification of a successor. At the next annual election the person elected to fill the vacancy shall be elected for the unexpired term only.

B. Other Elective Offices. All vacancies in other elective offices shall be filled by nomination by the mayor and appointment by him or her, by and with the advice and consent of the council expressed by the vote of a majority of the members of the council present at the meeting; provided that at least three affirmative votes shall be required for such purpose, the mayor to have no vote thereon except in the case of a tie.

C. Procedure. All vacancies occurring in any elective office shall be filled by appointment until January 1st following the next annual election and until the election and qualification of a successor. The procedure for appointments and in case of the failure to make or confirm the same shall be as provided in Section 2.04.050.

If a vacancy occurs at so short a period of time before the next annual election that the office cannot be filled at the election, the vacancy shall be filled in the same manner as though it had occurred immediately after the election, and the vacancy shall then be filled at the next subsequent annual election for the portion of the term, if any, as may still remain unexpired.

At the next annual election the persons elected to fill the vacancies shall be elected for the unexpired term only.

(Prior code § 2-2.3)

**2.04.040 General appointments—Term—Removal.**

There shall be appointed a borough clerk, borough treasurer, borough attorney, borough engineer, borough tax collector, borough tax assessor, and other officers as the council may deem necessary. They shall perform the duties required by law and the ordinances of the borough. These officers, except the borough attorney and borough engineer shall be residents of the borough unless such requirement is waived by the mayor and council. They shall hold office for the terms as set forth in the New Jersey Statutes as amended and supplemented. In the event an office does not have a term established by statute, they shall hold office at the pleasure of the council. No officer shall be removed without being

afforded an opportunity to be heard. Unless sooner removed, or unless the term is established by statute, they shall hold office for one year and unless their successors qualify.

(Ord. 2001/21 § 2: prior code § 2-3.1)

#### **2.04.050 Method of appointment—Vacancies.**

Except as otherwise provided by the laws of New Jersey, the mayor shall nominate and, with the advice and consent of the council, appoint all officers directed to be appointed and fill all vacancies in appointive offices for the unexpired term only. Within thirty (30) days after an office becomes vacant, the mayor shall make a nomination. 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 officers directed to be appointed. No appointment shall be made except by the vote of a majority of the members of the council present at the meeting, provided that at least three affirmative votes shall be required for that purpose, the mayor to have no vote thereon except in case of a tie.

(Prior code § 2-3.2)

#### **2.04.060 Tax searcher.**

The tax searcher of the borough shall be appointed by the mayor with the advice and consent of the council. He shall, when required by the mayor and the council, furnish reports relating to property taxes in the borough. The compensation of the tax searcher shall be an annual salary as prescribed by ordinance of the council.

(Prior code § 2-9.5)

### **Chapter 2.08 BOROUGH COUNCIL**

Sections:

[2.08.010 Composition.](#)

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[2.08.030 Quorum.](#)

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**2.08.010 Composition.**

The mayor and councilmembers of the borough shall constitute the council.

(Prior code § 2-5.1)

**2.08.020 Meetings.**

The council shall hold an annual meeting on January 1st at twelve noon, or during the first seven days of January in any year, and such other meetings or adjourned meetings at such times and places as they may direct by resolution; but all regular meetings shall be held within the borough.

The mayor shall, when necessary, call special meetings of the council; in case of his or her neglect or refusal, any four members of the council may call such a meeting at a designated time and place in the borough. In all cases of special meetings, written notice shall be given to all members of the council by leaving it at their places of residence, or by actual contact with the members by telephone or otherwise.

(Prior code § 2-5.2)

**2.08.030 Quorum.**

Three councilmembers and the mayor or, in the absence of the mayor, four councilmembers shall constitute a quorum for the transaction of business; but a smaller number may meet and adjourn from time to time.

(Prior code § 2-5.3)

**2.08.040 President of council.**

By a majority vote, the council at its annual meeting shall elect a president from their number, who shall preside at all its meetings when the mayor does not preside. The president shall hold office for one year and until the next annual meeting. He or she shall have the right to debate and 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 no confirmation by the council shall be necessary.

(Prior code § 2-5.4)

**2.08.050 President or senior member of council as acting mayor.**

If the mayor is absent from the borough for a period of three days or for any reason is unable to act, the president of the council shall perform all the duties of the mayor during such absence or inability. If the mayor intends to be absent from the borough for more than three days at any one time, he or she shall notify the president in writing of the intended absence, and the president shall become acting mayor from the time he or she receives the notice until the mayor's return. If the president is temporarily unable to act, the council member having the longest term of service may act temporarily for the president.

(Prior code § 2-5.5)

**2.08.060 Powers of the council.**

The council shall possess all the powers granted by or permissible under the laws of the state of New Jersey.

(Prior code § 2-5.6)

**2.08.070 Rules of procedure.**

The council shall provide by resolution rules of procedure not inconsistent with law or this code. Proceedings at all meetings shall be conducted in accordance with Robert's Rules of Order, revised, except where the council provides otherwise by resolution. The attorney shall be ex officio parliamentarian and shall give his or her opinion on questions of procedure at the request of members of the council.

(Prior code § 2-5.7)

**2.08.080 Attendance at meetings.**

All regular and special meetings of the council shall be open to the public. The attorney, the clerk, and any other borough officer or employee whose presence shall be required by resolution of the council shall attend such meetings.

(Prior code § 2-5.8)

**2.08.090 Conference meetings.**

The council may convene at any time in informal conference for the study of municipal business or to plan for the agendas of its future meetings. No persons other than those specifically invited by the council to attend shall be permitted to be present at such conference.

(Prior code § 2-5.9)

**2.08.100 Ordinances—Procedure for passage—Vote required.**

Borough ordinances shall be submitted in writing at a meeting of the council and passed at a subsequent meeting. No ordinance shall be finally passed except by the vote of a majority of the members of the council present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the mayor to have no vote except in the case of a tie.

(Prior code § 2-6.1)

**2.08.110 Publication of ordinances.**

No ordinance shall be considered for final adoption until it has been advertised as required by law. The clerk shall be responsible for arranging for the advertising of proposed ordinances.

(Prior code § 2-6.2)

**2.08.120 Ordinance presented to mayor after passage by council.**

Within five days after its passage, Sundays excepted, every ordinance passed by the council shall be presented to the mayor by the clerk, whose report shall be conclusive evidence that the ordinance has been so presented.

(Prior code § 2-6.3)

**2.08.130 Ordinances—Approval by mayor.**

If the mayor approves an ordinance, the mayor shall sign it within ten (10) days after receipt of same, Sundays excepted, and file it with the clerk.

(Ord. 2001/21 § 3 (part): prior code § 2-6.4)

**2.08.140 Ordinances—Mayor's veto—Written objection submitted—Reconsideration by council.**

If the mayor does not approve an ordinance, the mayor shall return it within ten (10) days after receipt of same, Sundays excepted, with the mayor's objection in writing, to the clerk. At its next meeting, the council shall cause the objections to be entered at length on its minutes and proceed to reconsider the ordinance.

(Ord. 2001/21 § 3 (part); prior code § 2-6.5)

**2.08.150 Ordinances—Partial approval—Partial veto.**

If an ordinance contains more than one distinct section, clause or item, the mayor may approve one or more and veto the rest.

(Prior code § 2-6.6)

**2.08.160 Ordinances—Passage over veto—Vote required.**

If two-thirds of all the councilmembers at the next meeting as aforesaid or at any subsequent meeting to which they postpone such reconsideration, vote to pass the ordinance or the vetoed part over the veto of the mayor, the ordinance shall take effect.

(Prior code § 2-6.7)

**Chapter 2.12 MAYOR**

Sections:

[2.12.010 Powers and duties.](#)

[2.12.020 Wedding and civil union ceremonies.](#)

### **2.12.010 Powers and duties.**

The mayor shall preside over all meetings of the borough council, but shall not vote except to give the deciding vote in case of a tie.

He or she shall see that the laws of the state and the ordinances of the borough are faithfully executed, and shall recommend to the council measures that he or she deems necessary or expedient for the welfare of the borough. He or she shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the borough. The mayor shall have the powers granted by the laws of New Jersey and the ordinances of the borough.

(Prior code § 2-4)

### **2.12.020 Wedding and civil union ceremonies.**

- A. Fee. Persons seeking to be married or joined in civil union by the mayor of the borough of Freehold shall pay to the borough a fee of one hundred twenty-five dollars (\$125.00) for ceremonies performed locally, within a ten (10) mile radius of the borough of Freehold; and one hundred fifty dollars (\$150.00) for ceremonies performed more than a ten (10) mile radius from the borough.
- B. Mayor's Fee in Connection with Performance of Wedding or Civil Union Ceremonies.
  - 1. Establishment of Policy. There is established by and within the borough of Freehold policies and procedures concerning the payment to the mayor in connection with the performance of wedding and civil union ceremonies.
  - 2. Fixed Fee. The mayor shall be paid a fixed fee of one hundred twenty-five dollars (\$125.00) for all ceremonies performed within a ten (10) mile radius of Freehold Borough and one hundred fifty dollars (\$150.00) for ceremonies performed more than a ten (10) mile radius of Freehold Borough. The mayor shall not be paid in connection with performing a wedding or civil union ceremony unless and until the wedding or civil union ceremony takes place.
  - 3. Limitation on Fee. The borough shall not be obligated to pay the fee to the mayor related to the mayor's officiating at the wedding or civil union ceremony unless it has received the fee from the applicants.

(Ord. 2007/7 § 1, 2007)

## **Chapter 2.16 BOROUGH ADMINISTRATOR**

Sections:

[2.16.010 Office established.](#)

[2.16.020 Appointment and term of office.](#)

[2.16.030 Compensation.](#)

[2.16.040 Qualifications.](#)

[2.16.050 Residency.](#)

[2.16.060 Duties.](#)

**2.16.010 Office established.**

The office of borough administrator is created and established pursuant to the provisions of N.J.S.A. 40A:9-136 et seq. The borough administrator shall have such powers as are granted by statute and the provisions of this chapter.

(Prior code § 2-3.3 (part))

**2.16.020 Appointment and term of office.**

The borough administrator shall be appointed by the mayor with the advice and consent of the borough council. The borough administrator shall serve at the pleasure of the governing body. The borough administrator may be removed from office by a two-thirds vote of the governing body. The resolution of removal shall become effective three months after its adoption by the governing body. The governing body may provide that the resolution shall take effect immediately, provided, however, that the governing body shall cause to be paid to the administrator any unpaid balance of his or her salary and his or her salary for the next three calendar months following the adoption of the resolution of removal.

(Prior code § 2-3.3(a))

**2.16.030 Compensation.**

The borough administrator shall receive such compensation as shall be fixed by the governing body of the borough.

(Prior code § 2-3.3(b))

**2.16.040 Qualifications.**

Borough administrator shall be appointed on the basis of his or her executive, administrative and technical qualifications with special reference to education and experience in local government. The borough administrator must possess a baccalaureate degree from an accredited college.

(Prior code § 2-3.3(c))

**2.16.050 Residency.**

The borough administrator need not be a resident of the borough at the time of his or her initial employment. Within six months of the date of his employment, unless that time period is extended by resolution of the mayor and council, the business administrator must become a resident of the borough.

(Prior code § 2-3.3(d))

**2.16.060 Duties.**

The borough administrator shall be the chief administrative officer of the borough and shall be responsible to the borough council for the proper and efficient administration of the business affairs of the borough. The borough administrator shall have the powers and perform such duties other than those required by law to be exercised by the borough council or other appointed officers, bodies or departments of the borough. The borough administrator's duties and responsibilities shall relate to the general management of all business.

The borough administrator shall supervise and direct the administration of all departments, officers, employees and agents of the borough and shall issue any directives or regulations necessary to that end unless otherwise provided by law or by this section.

The borough administrator shall serve as liaison between the mayor and council of the borough and all department heads and departments of the borough.

- A. Financial Planning. The borough administrator shall be responsible for the development of the proposed budget and the administration of the budget after its adoption. In preparing the budget, the borough administrator shall obtain from the head of each department of the borough, agency, board or officer estimates of revenues and expenditures and other supporting data as may be necessary to prepare the budget. The administrator shall review the estimates and may revise them before submission to the governing body of the borough.

The borough administrator shall render assistance and service to the borough council, boards and all departments of the borough as may be required.

- B. Personnel Officer. The borough administrator shall serve as the personnel officer and as such be responsible to the Civil Service Commission for complete compliance with any and all rules and regulations adopted by that agency. The administrator shall advise the mayor and council regarding the hiring, promotion and discharge of borough employees. The borough administrator shall also be responsible for the negotiations of all contracts extant between the borough and duly organized bargaining units of Freehold Borough.
- C. Purchasing Agent. The borough administrator shall be the purchasing agent of the borough and shall perform such duties as are specified in Section 3.08.010 et seq. of this code.
- D. Meetings and Agendas. The borough administrator shall attend all workshops, special and regular meetings of the borough council.
- E. General Responsibilities. The borough administrator shall study the governmental and administrative operations and needs of the borough and may make such recommendations to the mayor and council of the borough as he or she deems necessary and appropriate to improve governmental efficiency. The administrator shall be responsible for such grants, funds and/or services which from time to time may be available from federal, state and county governments. The administrator shall be responsible for the development and implementation of the Community Development Block Grant Program within the borough and shall be the borough's representative for this program.

The borough administrator shall be responsible for receiving and disposing of all complaints regarding services of personnel of the borough. He, she, or an officer designated by him or her shall investigate and dispose of the complaints and shall keep a written record of each complaint and when and what action was taken in response thereto.

The borough administrator shall be responsible for the coordination of all interdepartmental operations. The borough administrator shall take whatever steps necessary to insure the harmonious and efficient delivery of governmental services within the borough.

The duties and responsibilities of the borough administrator shall be such that they shall not infringe upon such duties and responsibilities as are assigned by law to other borough officials.

- F. The administrator shall perform those duties assigned to the superintendent of public works when this position is vacant. The administrator shall act as the authorized designee of the engineer for the purpose of permit issuance and monitoring required in Title 12 of this code.

(Prior code § 2-3.3(e))

## **Chapter 2.20 BOROUGH CLERK**

Sections:

[2.20.010 Appointment.](#)

[2.20.020 Clerk of council and committees.](#)

[2.20.030 Ordinances and resolutions.](#)

[2.20.040 Custodian of records.](#)

[2.20.050 Corporate seal.](#)

[2.20.060 Insurance—Surety bonds—Contracts.](#)

[2.20.070 Administrative rules and regulations, filing and publication.](#)

[2.20.080 Other laws and ordinances.](#)

[2.20.090 Deputy borough clerk.](#)

### **2.20.010 Appointment.**

There shall be a clerk of the borough appointed by the council for a term as established by statute as amended and supplemented. Prior to appointment, the borough clerk shall be qualified by training and experience to perform the duties of that office.

(Ord. 2001/21 § 4: prior code § 2-7.1)

### **2.20.020 Clerk of council and committees.**

The borough clerk shall serve as the clerk of the council. He or she shall attend all meetings of the council and of any committee when required by the chairperson thereof and shall keep the minutes of the meetings of the council and any committees. The minutes of each meeting of the council shall be signed by the officer presiding at the meeting and by the clerk.

(Prior code § 2-7.2)

### **2.20.030 Ordinances and resolutions.**

- A. The clerk shall record all ordinances in books to be provided for that purpose. After each ordinance he or she shall record and certify the proof of its publication as required by law. Each ordinance so recorded shall be signed by the mayor and the clerk, who shall attest that it was adopted on a date stated, and when so signed the recorded copy shall be deemed to be a public record of the ordinance. Any omission by the clerk or the mayor to record, sign or certify shall not impair or affect the validity of an ordinance which has been duly adopted.

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- B. Three times yearly, during April, August and December, the clerk, with the advice and assistance of the borough attorney shall bind, compile or codify all ordinances, or true copies thereof, which then remain in force and effect. He or she shall also properly index the record books, compilation or codification of ordinances.

(Prior code § 2-7.3)

### **2.20.040 Custodian of records.**

The clerk shall have custody of and shall safely keep all records, books and documents of the borough except those committed by ordinance, to any other office or transferred thereto by the council. On request and on the payment of the fees prescribed therefor, the clerk shall furnish a certified copy of any paper in his or her custody under the corporate seal of the borough.

(Prior code § 2-7.4)

### **2.20.050 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 or her office, or to certify any act or paper which from the records in his or her office shall appear to have been a public act of the borough or a public document. He or she 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.

(Prior code § 2-7.5)

### **2.20.060 Insurance—Surety bonds—Contracts.**

Subject to the supervision of the council, the clerk shall:

- A. Be the depository for and the custodian of all official surety bonds furnished by or on account of any officer or employee, except his or her own bond which shall be placed in the custody of the treasurer; of all insurance policies on or with respect to risks insured for the benefit of the borough or to protect it against any claim, demand or liability; 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 the custodian of all performance bonds running to the borough as obligee, or any other form of security given by a 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 deeds and leases of real property owned by the borough;
- D. Report to the council annually, at such times 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.

(Prior code § 2-7.6)

### **2.20.070 Administrative rules and regulations, filing and publication.**

The clerk shall maintain a current compilation of all rules and regulations, which shall be available for public inspection in his or her office during business hours. No rule or general regulation made by a

department, officer, agency or authority of the borough, unless it relates to the organization or internal management of the municipal government or a part thereof, shall take effect until it is filed with the clerk.

(Prior code § 2-7.7)

#### **2.20.080 Other laws and ordinances.**

In addition to other functions, powers and duties prescribed by ordinance and subject to the supervision and direction of the council, the clerk shall:

- A. Perform all the functions required of municipal clerks by the General Election Law (Title 19 of the Revised 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 or her by the mayor and council.

(Prior code § 2-7.8)

#### **2.20.090 Deputy borough clerk.**

There is established the position of deputy borough clerk. The deputy borough clerk shall be appointed annually by the council for a term of one year. The deputy clerk is empowered to perform all of the duties of the borough clerk in the absence of the borough clerk, under the guidance and supervision of the borough clerk.

(Prior code § 2-7.9)

### **Chapter 2.24 BOROUGH ATTORNEY**

Sections:

[2.24.010 Appointment.](#)

[2.24.020 Powers and duties.](#)

#### **2.24.010 Appointment.**

The borough attorney shall be appointed by the mayor with the advice and consent of the council for a term of one year. He or she shall be an attorney-at-law of New Jersey, but need not be a resident of the borough. The attorney shall receive a fixed base salary as a retainer and shall in addition be paid such fees and charges as shall be deemed reasonable.

(Prior code § 2-16.1)

#### **2.24.020 Powers and duties.**

The attorney shall give all legal counsel and advice required by the council or any member thereof and shall in general serve as the legal advisor to the council on all matters of borough business. He or

she shall represent the borough in all judicial and administrative proceedings in which the borough or any of its officers or agencies may be a party or have an interest. He or she shall give all legal counsel and advice where required by the council or any member thereof and shall in general serve as the legal advisor to the council on all matters of borough business. In furtherance of his or her general powers and duties, but without limiting them, the 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. Conduct appeals from orders, decisions or judgments affecting any interest of the borough as he or she may in his or her 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 settle litigation in which the borough is involved;
- D. Render opinions in writing upon questions of law submitted to him or her by the 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 council in the administration of municipal affairs;
- E. Supervise and direct the work of additional attorneys and technical and professional assistants which the council may authorize for special or regular employment in or for the borough.

(Prior code § 2-16.2)

## **Chapter 2.28 BOROUGH ENGINEER**

Sections:

[2.28.010 Appointment—Term.](#)

[2.28.020 Duties.](#)

### **2.28.010 Appointment—Term.**

There shall be a borough engineer who shall be appointed by the council for a term of one year. In lieu of appointing an individual, the council may appoint a firm of engineers, each member of which shall be a licensed professional engineers of the state of New Jersey. The borough engineer shall receive such compensation as may be agreed upon and determined by the council. He or she shall be a duly licensed professional engineer of the state of New Jersey.

(Prior code § 2-17.1)

### **2.28.020 Duties.**

The engineer shall perform the duties 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. Operate, maintain and repair the borough storm sewer system;

- D. Provide technical and engineering advice and assistance to other borough departments as needed;
- E. Upon the termination of his or her service with the borough, he or she shall surrender all papers, documents, memoranda, reports and other materials relating to the administration of his or her engineering duties.

(Prior code § 2-17.2)

## **Chapter 2.32 SUPERINTENDENT OF WATER TREATMENT PLANT AND SEWER SUPERINTENDENT**

Sections:

[2.32.010 Water treatment plant.](#)

[2.32.020 Water and sewer.](#)

### **2.32.010 Water treatment plant.**

There shall be a department entitled water treatment plant providing for the production and treatment of potable water. The water treatment plant shall be under the supervision of the superintendent of the water treatment plant who shall be duly licensed and have all the necessary certificates as required by the state of New Jersey. The water treatment plant and superintendent of water treatment plant shall be under the direction of the business administrator.

(Ord. 2001/21 § 6 (part): prior code § 2-10.1)

### **2.32.020 Water and sewer.**

There shall be a department of water and sewer providing for the distribution of potable water throughout the community, the collection of sewerage throughout the community and the transmission of the sewerage to designated treatment facilities. The water and sewer infrastructure and facilities, with the exception of the water treatment plant, shall be under the supervision of the sewer superintendent and under the direction of the business administrator. The sewer superintendent shall be duly licensed and possess all of the necessary certificates as required by the state of New Jersey.

(Ord. 2001/21 § 6 (part): prior code § 2-10.2)

## **Chapter 2.36 DOG WARDEN**

Sections:

[2.36.010 Findings.](#)

[2.36.020 Agreement authorized.](#)

[2.36.030 Contract with participating municipalities.](#)

**2.36.010 Findings.**

There presently exists a need for a full-time dog warden in the borough. The neighboring municipalities also have a need for a full-time dog warden. It has been determined that one full-time dog warden could adequately serve all of the aforesaid municipalities at great savings to each of the municipalities. The interlocal services act, N.J.S.A. 40:8A-1 et seq. and N.J.S.A. 40:48b-1 et seq. provide that municipalities may enter into joint contracts for joint services between them. The mayor and council have determined that it would be in the best interest of the borough to enter into a joint service contract for a regional dog warden with neighboring municipalities.

(Ord. 2001/21 § 15(part): prior code § 2-38.1)

**2.36.020 Agreement authorized.**

The borough is authorized to enter into a joint agreement with neighboring municipalities for the purpose of providing the service of a regional dog warden to the participating municipalities. A copy of the agreements will be available in the office of the borough clerk.

(Ord. 2001/21 § 15(part): prior code § 2-38.2)

**2.36.030 Contract with participating municipalities.**

Entry into the proposed joint service contract shall be subject to each of the subject municipalities passing a similar ordinance permitting participation in such joint service contract. The joint service contract entered into from time to time by neighboring municipalities will be on file with the office of the borough clerk and shall be forwarded to the commissioner of community affairs.

(Ord. 2001/21 § 15(part): prior code § 2-38.3)

**Chapter 2.40 ADMINISTRATIVE ORGANIZATION GENERALLY**

Sections:

[2.40.010 Departments, boards and commissions.](#)

[2.40.020 Powers and duties of department heads.](#)

[2.40.030 Fire and police departments.](#)

[2.40.040 Department of streets and roads.](#)

[2.40.050 Department of building and grounds.](#)

[2.40.060 Department of code enforcement.](#)

[2.40.070 Civil defense.](#)

**2.40.010 Departments, boards and commissions.**

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

A. Departments:

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1. Department of finance;
  2. Department of water and sewer;
  3. Police department;
  4. Department of buildings and grounds;
  5. Department of inspections;
  6. Department of streets;
  7. Fire department;
  8. Department of parks and recreation.
- B. Separate offices not under departments:
1. Borough attorney;
  2. Borough engineer.
- C. Boards and commissions:
1. Municipal court;
  2. Zoning board of adjustment;
  3. Planning board;
  4. Board of assistance;
  5. Board of health;
  6. Civil defense;
  7. Shade tree commission;
  8. Board of assessments;
  9. Lake Topanemus commission;
  10. Multiple dwelling review board;
  11. Central New Jersey Transportation Board.

(Prior code § 2-8.1)

### **2.40.020 Powers and duties of department heads.**

The head of a department, subject to the code and the approval or direction of the council, shall:

- A. Prescribe the internal organization of the work of his or her 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 records of work performance and unit costs thereof as may be approved or required by the council;
- E. Provide information and reports on the work of the department as may from time to time be required by the council;
- F. Exercise other or different powers of administrative supervision and direction which the council may delegate to him or her.

(Prior code § 2-8.2)

**2.40.030 Fire and police departments.**

There shall be a fire department of the borough established in accordance with the provisions of Chapter 2.48 and a police department established in accordance with the provisions of Chapter 2.44 of this code.

(Prior code § 2-11)

**2.40.040 Department of streets and roads.**

The department of streets and roads, including the street lighting system, shall be under the supervision of the superintendent of streets and roads and under the direction of the borough administrator. The superintendent of streets and roads shall also provide for the collection and disposal of refuse and recyclable materials at such times and in such manner as may be authorized by council by resolution.

(Ord. 2001/21 § 7: prior code § 2-12)

**2.40.050 Department of building and grounds.**

There shall be a department of buildings and grounds under the supervision of the superintendent of streets and roads, who shall supervise the maintenance of all borough recreation areas, buildings and grounds, and all borough-owned property, including trees, lawns and shrubs. The department and the superintendent of streets and roads shall also be under the direction of the business administrator.

(Ord. 2001/21 § 8: prior code § 2-13)

**2.40.060 Department of code enforcement.**

There is established a department of code enforcement to be responsible for the interpretation and enforcement of all codes and regulations relating to structures and property maintenance within the borough, excluding those regulations relating to the health codes under the jurisdiction of the board of health.

- A. Composition. The department of code enforcement shall be comprised of the following divisions: division of property maintenance; division of construction code; division of fire prevention; and division of Uniform Fire Code.
- B. Powers and Duties. The powers and duties of each division within the department of code enforcement and the personnel within these divisions is specifically enumerated within those ordinances adopting the specific codes/regulations being enforced.
- C. Administrative Direction. The overall coordination and administrative direction of the department of code enforcement shall be held by the construction code official of the borough.

(Prior code § 2-15)

**2.40.070 Civil defense.**

There shall be a civil defense and disaster control council pursuant to Chapter 438 of the 1956 Laws of New Jersey, N.J.S.A. App. A:9-41 and a director thereof. The police department and all departments of the borough government shall cooperate with and assist the council as required.

(Prior code § 2-23)

**Chapter 2.44 POLICE DEPARTMENT**

Sections:

[2.44.010 Department established.](#)

[2.44.020 Appointment.](#)

[2.44.030 Line of authority.](#)

[2.44.040 Duties of department.](#)

[2.44.050. Recommendations—Appointment.](#)

[2.44.060 Training.](#)

[2.44.070 Special and part-time special police officers.](#)

[2.44.080 Suspension and removal.](#)

[2.44.090 Electioneering prohibited.](#)

[2.44.100 Parking enforcement officers.](#)

[2.44.110 Fingerprinting.](#)

[2.44.120 Special duty assignments for police officers.](#)

**2.44.010 Department established.**

There is hereby created in and for the Borough of Freehold Police Department which shall consist of such employees and officers as shall be deemed necessary by the mayor and council and may include a police director and/or a police chief in accordance with N.J.S.A. 40A:14-118. The mayor and council shall, from time to time, determine the number of employees and officers of the police department, together with their compensation.

(Ord. 36/96: prior code § 4-1)

(Ord. No. 2014/11, § 1, 9-15-14)

**2.44.020 Appointment.**

The Freehold Borough Police Department is a New Jersey Civil Service Commission jurisdiction subject to N.J.S.A. 11A:1-1 et seq. and N.J.A.C. 4A:1-1 et seq. in all employment decisions. All appointments of members of the police department and all promotions of police officers within the department shall be by the mayor and council.

(Prior code § 4-2)

(Ord. No. 2014/11, § 1, 9-15-14)

**2.44.030 Line of authority.**

- A. Appropriate Authority. The mayor and council shall be designated as the "appropriate authority" as provided in the New Jersey statutes. The appropriate authority shall be responsible for the overall performance of the police department. They shall, by resolution, adopt and promulgate rules and regulations for the government of the police department. The appropriate authority or their designee shall be responsible for the discipline of the members of the police department.
- B. Police Director.
  - 1. The police director shall report to the administrator and the mayor and council. The police director shall serve as the administrative and executive head of the police department and shall establish the rules and regulations for the department and the discipline of its members. The police director's duties include, but are not limited to:
    - a. Establish the procedures to be followed by the chief of police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the police director approve all expenditures with regard to the equipment and supplies.
    - b. Keeping a record of all business transacted by the police department and approving all bills for the expense of the police department.
    - c. Keeping and maintaining accurate records and submitting an annual report to the mayor and Borough of Freehold, on or before January 1, which shall assess the operations of the police department, and its personnel, equipment and property.
    - d. Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the federal and/or state government and/or any of their respective subdivisions.
    - e. Keeping and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other department employees as they take place, with such other information as may be necessary.
    - f. Developing the annual budget for the police department and overseeing any and all expenditures of the police department.
    - g. Analyzing crime trends and statistics to ensure that the police department makes the best use of available funds, personnel, equipment and supplies.
    - h. Evaluating the effectiveness of work program and procedures of all units and bureaus within the police department and developing effective work methods for subordinates.
    - i. Undertaking special studies pertaining to police functions and promoting close coordination of planning efforts.
    - j. Establishing and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.
    - k. All such other duties not specifically reserved to the chief of police pursuant to N.J.S.A. 40A:14-118.
  - 2. The chief of police or designee shall report directly to the police director, and the police director shall receive daily or other periodic reports, as designated by the police director, from the chief of police or designee.

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3. The police director shall also be responsible for ensuring that all police officers and employees are compensated in accordance with state and federal wage and hour requirements.
  4. The police director shall be appointed by the appropriate authority for the term established by the mayor and council. The police director shall serve at the pleasure of the mayor and council and may be removed at their discretion.
- C. Chief of Police.
1. If a police chief is appointed, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the chief of police pursuant to N.J.S.A. 40A:14-118. Any other rights, authorities, powers and responsibilities not reserved solely to the chief of police by N.J.S.A. 40A:14-118 shall be assumed or delegated by the police director.
  2. If a police chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the chief of police pursuant to N.J.S.A. 40A:118, which cannot be performed by the police director, shall be delegated to a chief law enforcement officer, which shall be highest ranking sworn officer, as designated by the police director.
- D. Public Safety Committee. At the reorganizational meeting in January of each year, the mayor shall appoint, with the advice and consent of council, three members of council to act as the public safety committee. It shall be the responsibility of the public safety committee to recommend to the appropriate authority the approval of rules, regulations, policies and amendments thereto governing the conduct and organization of the police department and the members thereof. The public safety committee may conduct investigations of the operation of the police force or the performance of any officer or member thereof and make recommendations to the appropriate authority and/or the governing body accordingly.

The public safety committee may review and make recommendations regarding issues of traffic, public safety, emergency management, fire department concerns, staffing needs, equipment needs, shared services and inter-local agreements.

(Ord. No. 2014/11, § 1, 9-15-14)

**Editor's note**— Ord. No. 2014/11, § 1, adopted Sept. 15, 2014, amended § 2.44.030 in its entirety to read as set out herein. Former § 2.44.030 pertained to police committee—police commissioner and assistant police commissioner and derived from prior code § 4-3.

### **2.44.040 Duties of department.**

- A. Chief of Police. The chief of police while acting as such, shall direct the activities of the other members of the police force within the limits of such authority as may be granted by the police committee. In the absence of the chief of police the next ranking superior officer shall be in charge of the police department. It shall be the duty of the chief of police to cause the public peace to be preserved, and to see that all the laws and ordinances of the borough are enforced. Whenever any violation thereof shall come to his or her knowledge, or be reported to him or her, he or she shall cause the requisite complaint to be made, and see that evidence is procured for the successful prosecution of the offender or offenders. He or she shall cause the police officers under him or her to obey the police rules and regulations prescribed by the police committee and see that they perform their duties promptly, efficiently and faithfully. He or she shall in case of tumult, riot, insurrection or threatenings thereof, take command in person of the police officers, and direct their movements and operations in the discharge of their respective duties. He or she shall cause to be kept and made all such records, registers, books and reports concerning the affairs, property and operations of the department, as may be prescribed by, and in the manner, and at the times required by the police rules and regulations. He or she shall, by order, determine the beats, tours and nature of duty of the patrol officers, with such special instructions as he or she may deem proper. All details of importance

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of the police department, for any special or particular duty or service, shall be made by the chief of police, or pursuant to his or her order.

It shall be the duty of the chief of police, under the supervision of the police commissioner, and in his or her absence, the assistant police commissioner, to direct all the activities of the police officers; to designate the periods each shall work; to require a daily detailed report from each police officer of all happenings coming within his or her knowledge. He or she shall also determine when it may be necessary to call on the reserve force for riot or other duty, and shall issue orders in regard thereto.

### B. Police Officers.

1. Police officers shall have the power, and it shall be their duty, to keep order in all public places of the borough; to prevent, restrain, suppress any riot, row, disturbance, disorderly assembly or breach of the peace in any street, alley or house of the borough; to restrain vagrants, mendicants and street bargainers, and to require any persons unnecessarily congregated upon the sidewalks or corners of the street to disperse, and if they refuse to arrest them and forthwith to convey them before the proper authority to be dealt with according to law.
2. Police officers shall be subject to such rules and regulations as may be adopted by the police committee and which the police committee is empowered to adopt, provided, however, the same shall be first approved by the mayor and council.
3. Police officers, in addition to their duties as such, are made inspectors for the board of health, and it shall be their duty to immediately report the violation by any person of any of the rules or regulations adopted by the board of health.
4. Police officers, in addition to their duties as such, and as more specifically set forth in this chapter, shall have the power, and it shall be their duty when prescribed by the police committee to immediately report violations by any person of the zoning ordinance or any orders of the building inspector of the borough, and to do and perform all other duties with respect to the enforcement of such zoning ordinance and orders of the building inspector as shall be assigned by the police committee.
5. All police officers shall have the power and it shall be their duty to enforce all ordinances of the borough.
6. Police officers shall have power and authority to serve and execute all processes, issuing out of the police court or recorder's court, and shall have all the power and authority of constables of New Jersey, except as to the service of civil processes out of the courts other than the police court or recorder's court.

- C. Police Committee. The police committee is empowered from time to time to make and establish, amend or repeal, such rules and regulations not inconsistent with the laws of this state or the ordinances of the borough for the government and control of the members of the police department, as may be deemed expedient and proper to carry out the objects of this chapter and with the view to making the police department, and all the officers and members thereof, efficient, vigilant, prompt, and useful to the borough, subject however to the approval of the borough council. The rules and regulations shall be entitled "The Police Rules." The police rules may describe the duties of the chief of police, the captain of police, and all other patrol officers more specifically than is herein contained and may provide such penalties not inconsistent with law as may be deemed necessary and expedient for the proper regulation of the police department. All the rules and regulations made pursuant hereof shall be in writing and signed by the police committee and filed in the office of the clerk and in the office of the chief of police and shall be binding on all persons subject to the jurisdiction of the department after notice thereof. A typewritten or printed copy of such rules shall be delivered to each member of the department, and a copy or copies shall be posted conspicuously in the headquarters of the department, and such delivery or posting shall be deemed notice of the adoption and effectiveness thereof to those subject thereto. The police rules shall also prescribe the uniform, badges, and insignia to be worn by the police officers, and the times and manner of wearing the same, and subject to the provisions as reference thereto may deem proper.

(Prior code § 4-4)

**2.44.050. Recommendations—Appointment.**

- A. The mayor and council shall receive such recommendation or recommendations from the chief or the chiefs designee and the mayor and council may, at the next regular meeting, following the recommendation or recommendations, appoint the recommended applicant or applicants for a probationary term. Such police officer or police officers after the expiration and termination of the probationary term of employment may be appointed a regular member or members of the police force of the borough.

(Ord. No. 2014/11, § 1, 9-15-14)

**Editor's note**— Ord. No. 2014/11, § 1, adopted Sept. 15, 2014, amended § 2.44.050 in its entirety to read as set out herein. Former § 2.44.050 pertained to qualifications—appointment and derived from Ord. 2001/20 § 1; Ord. 2001/15 § 1; and prior code § 4-5.

**2.44.060 Training.**

No person shall be given or accept a permanent appointment as a police officer in the borough unless he or she has successfully completed a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the state of New Jersey pursuant to the provisions of Chapter 56 of the Laws of 1961.

This chapter shall not prohibit the giving or accepting of a probationary or temporary appointment as a police officer for a period not to exceed one year, to enable a person seeking a permanent appointment to complete a police training course as prescribed by the Police Training Commission.

No person shall be permitted to take a police training course unless he or she holds a probationary or temporary appointment as a police officer in the borough, and such appointee shall be entitled to a leave of absence with pay during the period of the police training course.

(Prior code § 4-6)

**2.44.070 Special and part-time special police officers.**

- A. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the local unit for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the police force of the local unit, and their powers and duties as determined pursuant to this act shall cease at the expiration of the term for which appointed. Special law enforcement officers shall be deemed to be unclassified positions.
- B. One full-time special law enforcement officer may be appointed as set forth hereinabove. Part-time special law enforcement officers may be appointed as needed, provided that the number of Class Two special officers shall not exceed twenty-five (25) percent of the regular officers, or as proscribed by law. Part-time special officers may be employed for no more than twenty (20) hours per week except as permitted by N.J.S.A. 40A:14-146.6.

(Prior code § 4-7)

(Ord. No. 2014/11, § 1, 9-15-14)

**2.44.080 Suspension and removal.**

- A. **Complaints—Charges—Information Required.** Complaints or charges against any member of the department for violation of the police rules and regulations, ordinance of the borough, directives, or for conduct unbecoming an officer may be made in writing by any citizen or other member of the department giving the time, place and character of the offence and the name of the officer charged.
- B. **Record of Complaints—Charges.** The charges or complaints shall be signed by the complainant and shall be filed in the office of the chief, or, in case of charges against the chief, filed with the borough clerk so as to be referred to the mayor and the council.
- C. **Departmental Hearing.**
  - 1. **Notice of Hearing.** Such complaint shall be served upon the member or officer so charged, either by personal service or by certified mail, return receipt requested, to his or her place of residence as listed in the police records, with notice of a designated hearing thereon before the chief, which shall not be less than fifteen (15), or more than thirty (30), days from the date of service of the complaint.
  - 2. **Chief as Complainant.** In the case where the chief is the complainant, the hearing shall be held before the mayor and the council. When the chief has reason to believe that the charges made may result in the imposition of a penalty in excess of suspension for more than five days or a fine exceeding five days pay, he or she may, in his or her discretion, dispense with a departmental hearing and request that the mayor and the council or their designated representative, conduct a hearing.
  - 3. **Procedure.** The chief or the mayor and the council, as the case may be, shall have the power to subpoena witnesses and documentary evidence. At the departmental hearing, the chief, or his or her designated representative shall hear and examine the complaint and the accused, and may, if in his or her judgment it is required, call for witnesses on both sides. The hearing shall otherwise be private as to the parties in interest, unless both parties thereto shall otherwise request, in which event the hearing shall be public.
  - 4. **Intention.** It is the intention of this subsection to give every member of the department against whom a charge has been lodged a fair hearing upon such charge and give him or her every reasonable opportunity to make his or her defense. The strict rules of evidence shall not apply, though any decision shall be based upon the weight of competent, credible evidence in the form of documentation and/or sworn testimony presented. The complainant shall have the burden of proving the charges outlined in the complaint based upon the preponderance of the evidence.
  - 5. **Determination of Findings by the Chief.** A written determination containing the findings of fact shall be made by the chief or his or her designated representative as hearing officer within thirty (30) days of the hearing.
- D. **Authority of the Chief—Referral to the Mayor and the Council.**
  - 1. **Authority—Penalty Power of the Chief.** In the instance where the chief, or his or her designated representative, is the hearing officer, he or she shall have the power and authority to dispose of the charges against the accused. If, in his or her opinion, the accused is not guilty of the offense charged he or she shall so advise the complainant in writing. In the event that the accused is found guilty of the charges, the chief may impose such penalty or penalties as are within his or her power. The chief may not impose a penalty exceeding five days suspension or a fine exceeding five days' pay.
  - 2. **Referral—Appeal to the Mayor and the Council.** Where the chief finds that the penalty should be greater than five days' suspension or a fine of more than five days' pay, he or she shall refer the matter with written recommendations and findings to the mayor and the council who shall review the record below, if they determine that the record below is adequate to make a determination.

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The mayor and the council, in such circumstances, shall render a decision within thirty (30) days of the referral of the matter. Where it is determined that the record below is inadequate, a hearing de nova shall be held in accordance with the provisions of this section. In any event, the accused, if found guilty, may appeal in writing to the mayor and the council and deliver such to the borough clerk within ten (10) days of the chief's decision.

### E. Hearing by the Mayor and the Council.

1. Procedure. In the circumstances, as previously described, when the mayor and the council hold a hearing, the mayor and the council shall promptly fix a time and place for the hearing and give due notice thereof through the borough clerk, to the complainant and the accused. The mayor and the council shall proceed to hold an open and fair hearing, examine witnesses under oath and keep a record of the evidence, employing a competent stenographer or reporter if determined necessary by the mayor and the council. Both complainant and defendant may be represented by counsel and the borough solicitor may, if requested, act in advisory capacity to the mayor and the council, but not otherwise. Evidence shall be presented to the mayor and the council by a member or officer of the police department as designated by the chief. The hearing may be adjourned from time to time if necessary, but not so as to unduly delay decision. At the close of the hearing, the mayor and the council shall review the evidence and determine the guilt or innocence of the defendant, based upon the preponderance of the evidence.
2. Majority Vote Required for Guilty Verdict. The majority vote of the mayor and the entire council shall be required to find a verdict of guilty. If the defendant is found guilty, then a majority vote of the mayor and the council present shall fix the penalty. The penalty, if any, shall be imposed by the mayor and the council, and shall be according to the nature and seriousness of the offense.

### F. Suspension.

1. Suspension Without Pay.
  - a. Whenever any member or officer of the borough police department is charged under the law of this state, another state or the United States, with an offense, such police officer may be suspended from performing his or her duties with pay, until:
    - i. The case against the officer is disposed of at trial;
    - ii. The complaint is dismissed; or
    - iii. The prosecution is terminated.
  - b. If a grand jury returns an indictment against such officer, or the officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, such officer may be suspended from his or her duties, without pay, until:
    - i. The case against him or her is disposed of at trial;
    - ii. The complaint is dismissed; or
    - iii. The prosecution is terminated.
  - c. If a suspended police officer is found not guilty at trial, the charges are dismissed or the prosecution is terminated, such officer shall be reinstated in his or her position and shall be entitled to recover all pay withheld during the period of suspension subject to any disciplinary proceedings or administrative action.
  - d. If any borough police officer is suspended with pay and is found guilty of the charges brought against him or her, the police officer shall reimburse the borough for all pay received by him or her during the period of his or her suspension.
2. Surrender of Police Property. During a period of suspension, the member shall forthwith tender his or her service revolver, his or her badge and his or her police I.D. to the chief.

### G. Emergency Suspension. Emergency discipline shall take the following forms:

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1. Any command or supervisory officer of the department shall have the authority to impose emergency suspension until the next business day against a member or employee of the department when it appears that such action is in the best interests of the department, and consistent with these rules.
2. A member or employee receiving an emergency suspension shall be required to report to the chief on the next business day at nine a.m., unless otherwise directed by his supervisor. The command or supervisory officer imposing or recommending the suspension shall also report to the chief at the same time. Thereupon, the matter may be resolved informally and duly noted in a written report filed in the office of the chief or the matter may proceed to a formal hearing as provided in this section.

(Prior code § 4-8)

### **2.44.090 Electioneering prohibited.**

No member of the police department shall be actively engaged in electioneering or other actions of a political or party nature, or shall in any manner when on duty interfere with any election in this state, nor shall any police officer be present at the polls at any election, except such reasonable times as may be required by him or her for the purpose of voting, unless he or she shall be detailed by the police commissioner to be present thereat for the preservation of peace and good order during the election.

(Prior code § 4-9)

### **2.44.100 Parking enforcement officers.**

- A. Appointment. The mayor, with the advice and consent of the majority of the council may appoint parking enforcement officers in accordance with N.J.S.A. 40A:9-154.7, et seq.
- B. Duties, Powers and Authority of Parking Enforcement Officers. A parking enforcement officer of the borough, although not a member of the police force, shall be under the direction and supervision of the chief of police or his or her designee. A parking enforcement officer shall enforce state, county, or borough statutes, resolutions, ordinances, or regulations relating to the parking of vehicles within the borough, including the following:
  1. Issuing a parking ticket for a parking offense;
  2. Serving and executing all process for any parking offense issued out of the court in the municipality having jurisdiction over the complaint;
  3. Cause any vehicle parked, stored or abandoned in the borough in violation of a statute, resolution, ordinance or regulation to be towed away from the scene of the violation and to cause to be collected by the borough from the vehicle's owner or the owner's agent the cost of the towing and subsequent storage of the vehicle before surrendering the vehicle to the owner or agent.

(Prior code § 4-11)

### **2.44.110 Fingerprinting.**

- A. Authorization. Upon request from any citizen, the borough police department is authorized and empowered to fingerprint said citizens. Fingerprinting shall be performed at the convenience and discretion of the borough police department and at such location and under such conditions that shall be specified by the officer in charge of the Freehold Borough police department.

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- B. Fees. Any fingerprinting services performed by the borough police department shall be performed only upon the payment of a seven dollar (\$7.00) fee which shall be collected by the clerk of the borough or any such officer or employee of the borough that may be designated by the clerk. The names and addresses of all persons fingerprinted by the borough police department shall be kept in a log book which will be maintained by the borough police department. This ordinance amendment shall take effect immediately upon its adoption and publication pursuant to law.

(Prior code § 4-12)

### **2.44.120 Special duty assignments for police officers.**

- A. Assignments. Persons or entities desiring to hire members of the police department to provide special duty police-related services shall file an application with the chief of police, who shall process the application and approve or deny the same pursuant to the following:
1. Any and all extra duty assignments for police personnel shall be determined and approved by the chief of police or designee.
  2. No police officer shall perform special duty assignments for private parties for compensation other than through the procedure in this section.
  3. The chief of police shall obtain such information as he determines necessary concerning the application. The chief of police may deny the assignment or use of police officers or vehicles and/or may impose any condition or requirements as in his or her sole discretion and determination are in the best interest of the borough and/or police officers or public safety.
  4. The chief shall be guided by the nature of the assignment and should avoid those with conflict of interest and/or high risk of injury.
  5. The chief may assign a patrol vehicle or appropriate equipment for use in performing special duty if and in the event it is determined that the use is necessary to perform the contracted duty.
  6. The work to be performed shall be considered special assignments for independent contractors and will not be considered a direct assignment.
  7. The taking of any and all special duty assignments shall be on a voluntary basis in accordance with a fair and reasonable rotation system established and administered in writing by the chief of police.
  8. Officers engaged in special duty assignments shall be deemed on-duty and shall conform to all police department rules, regulations and procedures.
  9. All agreements for special duty assignments shall be contracted for in writing by the completion of a contract form, which contract shall be kept on record as public documents in the office of the chief of police.
  10. All special duty assignments shall be within the borough, unless specific written approval is given by the chief of police to the officer to work outside of the borough. The chief may contact adjoining municipal police departments to see if their officers are willing to perform such special assignments.
  11. Private parties or attorneys who utilize police officers in civil cases by subpoena will be responsible to pay the borough for the costs incurred for the officers' time while complying with the subpoena. This section does not apply to internal administrative or disciplinary matters in which reimbursement to the borough is not applicable.
- B. Fees. Fees and charges to be paid to the borough shall be in accordance with rates established from time to time by resolution of the governing body.
- C. Escrow Funds Required to be Deposited with the Borough Regarding Special Duty Police Assignments.

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1. Upon the granting of an application by the chief of police for special duty assignments, the applicant/contractor shall deposit escrow funds payable to the borough. The escrow funds shall be determined based upon the fees and charges established from time to time by resolution of the governing body and the realistic estimated time or amount of special duty services to be provided. The funds shall be held in a non-interest bearing account.
  2. No special duty assignment work will be performed until all escrow funds have been deposited in accordance with this subsection unless authorized by the chief of police. The escrow fund payment must be in the form of cash, certified or bank cashier's check or money order.
  3. Additional escrow funds may be required from the applicant/contractor when the escrow has been depleted to twenty (20) percent of the original escrow amount. The police chief or designee shall notify the chief financial officer when services have been provided that would deplete the escrow funds to twenty (20) percent of the required escrow amount. Also, the chief shall then notify the applicant/contractor of the amount of additional escrow funds that will be required for the work to continue and the applicant/contractor shall forthwith deposit with the borough the additional escrow funds.
  4. Upon request by the applicant, the chief financial officer shall prepare and send to the applicant/contractor a statement which shall include an accounting of escrow funds setting forth all deposits, disbursements and the cumulative balance of the escrow account.
  5. Each payment charged to the escrow deposit shall be pursuant to a voucher from the police officer. The voucher shall identify the officer performing the service, the date, the type of service performed, the hours worked and the amount to be paid to the officer. All officers performing special duty assignments shall submit vouchers to the chief financial officer on not less than a monthly basis.
  6. The chief financial officer shall promptly send an informational copy of all vouchers submitted to the applicant/contractor.
  7. All payments for special duty assignments shall be made through the escrow fund established by the borough from which fund payroll payments shall be made to the individual police officers performing such service. All payments from the fund shall be made through the payroll account to the police officers subject to required deductions and an administrative fee to be retained by the borough.
  8. Disputes, if any, between the applicant/contractor and the police officer on assignment as to service required or compensation due shall be decided by the chief and his or her decision shall be final and binding.
  9. Any assignment cancelled by the applicant/contractor on less than four hours' notice shall be charged against the party for the minimum hours for the assignment.
- D. Emergencies.
1. The chief has the authority to order any police officer to vacate or terminate any special duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and welfare of the police officer and/or public in the sole determination and discretion of the chief. The contractor shall not be responsible for any compensation for the time the police officer is away from the special duty assignment and shall have no claim for any costs or damages against the borough, the chief or any police officer arising from the termination of special duty assignment other than the prorated return of any costs prepaid to the borough.
- E. Insurances.

The borough shall be responsible to provide all necessary insurance coverage for the police required by law, including but not limited to workers' compensation, public liability and claims for damages for personal injury including death or damage to property which may arise as a result of the borough's performance under contract.

(Ord. 2000/33 § 1: prior code § 4-13)

## **Chapter 2.48 FIRE DEPARTMENT [¶](#)**

Sections:

[2.48.010 Creation.](#)

[2.48.020 Composition.](#)

[2.48.030 Election of officers.](#)

[2.48.040 Membership.](#)

[2.48.050 Powers and duties of the chief.](#)

[2.48.060 Removal or suspension.](#)

[2.48.070 Fires outside the borough.](#)

[2.48.080 Rules and regulations.](#)

[2.48.090 Junior firefighter's auxiliary.](#)

### **2.48.010 Creation.**

The fire department of the borough is created and established with jurisdictional boundaries coextensive with the boundaries of the borough. (Prior code § 3-1)

(Ord. No. 2008/18, 9-15-08)

### **2.48.020 Composition.**

The fire department of the borough shall consist of the Freehold Fire Department, which shall include Engine Hose Co. No. 1, Richardson Engine Co. No. 2, Monmouth Hose Co. and Good Will Hook and Ladder Co. Additional companies for the extinguishing of fire may be admitted or the number of companies reduced from time to time whenever the council shall determine after a public hearing that such additions or reductions shall be for the welfare of the borough.

The operation of the department, including, but not limited to fire operations, apparatus, equipment, training and compliance shall be governed by the officers consisting one chief of the department, one first assistant chief, and one second assistant chief, and such other officers as the department may deem necessary or as may be provided for by the department's constitution or bylaws.

There shall also be a president and other administrative officers of the department as defined in the Constitution and by-laws of the department which are incorporated by reference herein, with non-fire operation duties as set forth therein.

One fire commissioner and one assistant fire commissioner shall be appointed by the mayor and council, and shall serve as liaison between the fire department and the governing body. The chief shall report all matters of the department to the fire commissioner and assistant fire commissioner.

(Ord. No. 2008/18, 9-15-08)

**2.48.030 Election of officers.**

- A. Elections to be Held Annually. On the first Wednesday in November in each and every year the fire department shall elect a chief, a first assistant chief, and a second assistant chief, who shall hold office for one year from January 1 to December 31. At that time, the Department shall also elect the President and other administrative officers as set forth in section 2.48.020.
- B. Approval of Elections by Council. The election shall be held at the fire house at eight p.m. of the day above-stated in such manner as the department may provide. A statement of the result of the election shall be signed by the secretary and submitted to the council at its first regular meeting in January; at which time the council shall either approve and confirm or disapprove and refuse to confirm the election of each of the persons designated as chief, first assistant chief and second assistant chief for the term stated.
- C. Vacancy. In case the council shall disapprove of any of the officers so elected or in case a vacancy occurs in any office from any other cause, the presiding officer of the department shall call a special meeting of the department as soon as possible to fill the vacancy. Any person elected at a special meeting shall assume office the day following his approval by council.
- D. Right to Vote. All persons who are active members of the department, all members who are in good standing and have been such for at least three months prior to the election shall have the right to vote, which right shall be determined by a list of the members of the respective companies duly verified by affidavit to be furnished by the secretaries of the respective companies.
- E. Eligibility of Chief. The chief and two assistant chiefs shall be selected from the active members of the fire department, and no person shall be eligible for the office of chief or assistant chief who has not served as an active member of the department for at least five years next preceding his or her election. (Prior code § 3-3)

(Ord. No. 2008/18, 9-15-08)

**2.48.040 Membership.**

- A. Applications. Any person desiring appointment to a fire company shall file an application upon the prescribed form which shall be available at the office of the clerk and at the office of the chief. The applicant for the fire company shall file four completed application forms with the clerk. The clerk shall upon the filing of the application retain one copy of the application for his or her file and transmit one copy of the application to the chief and two copies to the personnel committee of the fire company.

Any person desiring to apply to more than one fire company may do so by filing an application for each particular company; however, under no circumstances may a person serve on more than one company.

The application shall have all questions answered and shall have attached thereto a recommendation as to the applicant's character and integrity signed by two persons who own real property and reside in the borough. It shall further include a certified birth certificate or other satisfactory evidence of date of birth. It shall also include the fingerprints of the applicant provided by the police or other approved authority.

- B. General Qualifications of Firefighter. No person shall be appointed a member of the Freehold Fire Department unless:
  - 1. The person is a citizen of the United States;
  - 2. The person is of sound mind and body and of good health as required of firefighters. Prior to admission, the applicant shall obtain a certificate from the borough physician stating his or her physical condition and eligibility for membership;

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3. The person shall be able to read, write and speak the English language;
  4. The person shall be of good moral character and shall not have been convicted of any crime or offense involving moral turpitude.
  5. All members must meet all requirements, training, certification, rules and regulations established by the State of New Jersey, department of community affairs, division of fire safety, and all other appropriate regulatory entities, as amended from time to time.
- C. Personnel Committee. There shall be a personnel committee for each company of the Freehold Fire Department consisting of three members of the particular company, which members shall be designated by the president of the company and shall serve for a term of three years except, however, the term of the initial appointees shall be for one, two and three years respectively.
- D. Classification of Eligibility of Applicant. The personnel committee within ninety (90) days of receipt of the application and supporting papers or within such further time as the applicant may agree to shall submit to the company its findings as to the eligibility of the applicant for consideration to membership. Copies of the findings shall be sent to the applicant, chief and to the mayor and council by certified mail, return receipt requested. No applicant shall be deemed ineligible except for cause. If a personnel committee finds an applicant unqualified, it shall set forth the reasons in writing; and the applicant shall be entitled to a hearing before the company administrative officers of the particular company concerning the findings and classification of the application.

An aggrieved applicant who desires a hearing shall within ten (10) days after the day upon which notice of the results of the findings of the personnel committee is mailed to him or her request of the company in writing a review of his or her application giving specific reasons therefor. Thereafter and within thirty (30) days of receipt of the request for hearing, the administrative officers of the particular company shall hold a hearing to consider the classification of the application, at which hearing the applicant may testify and present evidence to substantiate his or her eligibility for membership to the company.

- E. Rejection of Applicants. The personnel committee may reject the application of any person for admission to the fire company for any of the following or other good causes:
1. That the applicant is physically unfit to perform the duties of the position of firefighter;
  2. That the applicant is addicted to the habitual or excessive use of drugs, narcotics or intoxicating beverages;
  3. That the applicant has intentionally made a false statement in his or her application with regard to any material fact or has practiced or attempted to practice fraud in connection with such application;
  4. That the applicant has been guilty of a crime or of other disgraceful conduct involving moral turpitude;
  5. That the applicant is found to lack any of the minimum qualifications as stated under subsection B. of this section.
- F. Discrimination. No member shall be discriminated against; and no applicant shall be barred from membership because of his or her race, creed, color, national origin or ancestry.
- G. Eligibility List. The successful applicant shall be placed on an eligibility list for membership in a company which list shall contain the name of successful applicants by chronological order. If more than one applicant is successful on one particular date, the position on the eligibility list shall be determined by lot.
- H. Removal of Names from Eligibility List. From time to time and at least once each year in order to serve public interest in membership procedures, inquiry shall be made in writing to those whose names are on eligibility lists to ascertain whether they are willing to accept appointment if offered. If an eligible is unwilling or if he or she fails to reply in writing within thirty (30) days, his or her name shall be removed from the eligibility list. In all such cases, the person whose name is considered for

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removal will be notified in writing by certified mail, return receipt requested, of such contemplated action and given a reasonable opportunity to be heard.

### I. Election to Membership.

1. Each company shall vote for its own membership. Vacancies in a company shall be filled by the selection of the highest name on its eligibility list, provided, however, such applicant shall receive a majority of the votes cast. Voting shall be open and by roll call. All active members in good standing of the company shall have the right to vote. The election of a member shall be subject to the approval of the council.
2. No applicant shall be denied membership except for cause. If an applicant is denied membership, he or she shall be so advised in writing with the summary of the basis for such denial; and he or she shall be entitled if he or she desires to a hearing before the personnel committee to present evidence to rebut such finding of cause.
3. If the applicant is not satisfied after the aforementioned hearing before the personnel committee, he or she may take an appeal to a committee made up of the president, vice president, secretary, chief and assistant chiefs of the fire department. This committee shall hear all the evidence and shall make a prompt determination on the matter.
4. The council shall have power to fix the number of active members in any company, provided, however, that at the time the number of any company is reduced no member shall be dropped in order to bring the number down to the point fixed by the council.

### J. Probationary Period. An applicant who receives approval for membership shall serve a probationary period of one year of actual membership with the department. The company shall keep detailed records of the probationary firefighter's work and progress and at the end of one year after appointment shall file a report with the personnel committee. The personnel committee shall review the report of the company and file its own report with the company for consideration by the members. If it is deemed that the probationer is unable or unwilling to perform the duties of his or her position satisfactorily and according to the general rules and regulations of the department as not to merit continuance in the fire department, the summary of the basis of such conclusion shall be supplied in writing to the probationer; and he or she shall be entitled if he or she desires to a hearing before the personnel committee to present evidence to rebut such conclusions.

If the probationer is not satisfied after the aforementioned hearing before the personnel committee, he or she may take an appeal to a committee made up of the president, vice president, secretary, chief and assistant chiefs of the fire department. This committee shall hear all the evidence and shall make a prompt determination on the matter.

Each company shall vote concerning the final membership of its own probationary members. The membership of the probationer shall terminate if he or she fails to receive a majority of the votes cast by the company. On this matter the probationer shall not have the right to vote. Voting shall be open and by roll call.

No individual can be accepted for final membership after his or her one year probationary period if he or she has not successfully completed Firefighter I Training Course as set forth in N.J.A.C. 5:18C-4.3.

- ### K. Emergency Appointments. When an emergency arises of such nature that in order to prevent loss of life or property, one or more persons may be immediately appointed to a fire company, the chief engineer may appoint any qualified person for a period not exceeding ninety (90) days.
- ### L. Time Within Which Appeals Must be Filed. In all cases in which the aggrieved probationer or other member desires a hearing or other relief, written notice of the appeal or other demand for relief must be received, if not otherwise provided, by the reviewing body within fifteen (15) days of the time in which notice of the act complained of was received by the party seeking such relief.
- ### M. Equipment/Vehicle Operations. No member shall be permitted to operate fire department vehicles or apparatus unless they are at least twenty-one (21) years of age and have at least one full year of service in the fire department. (Ord. 2004/2 §§ 1, 2; Ord. 5/99 § 1; prior code § 3-4)

(Ord. No. 2008/18, 9-15-08)

**2.48.050 Powers and duties of the chief.**

- A. Inspection of Fire Apparatus. It shall be the duty of the chief to examine at least once a month the fire apparatus and all appliances in use for extinguishing fires and report their condition to the mayor and council when requested to do so and to make an annual report in writing to the mayor and council when requested to do so and to make an annual report in writing to the mayor and council at the first regular meeting in January, giving a detailed account of such fires as may have occurred, the cause of such fires, and such other information as he or she may think proper. He or she shall superintend all repairs ordered from time to time by the council to fire apparatus and appliances; he or she shall use all means of the department to extinguish fires which may occur and shall have sole and absolute control and command over the fire apparatus and all members of the fire department in case of actual fire, or whenever called into active service, and he or she shall have control over all other fire apparatus and persons aiding and assisting the department in case of fire in the borough; he or she shall have general control over the members of the fire department and all fire apparatus belonging to the borough at all other times, provided, however, that all of the powers hereinabove granted in this section to the chief shall be subject to the approval of the fire committee of the council.
- B. Attendance at Fires. The chief and the first and second assistant chiefs shall, when it is possible for them to do so, attend all fires which occur within the borough; and they are empowered and required to take charge of any building or buildings which may be on fire, to evict from or admit only such persons whether firefighters or otherwise to such building or buildings as they may deem necessary to superintend and direct the removal and preservation of all endangered property. The chiefs are invested with all the powers of a police officer of the borough while answering, attending or returning from alarms of fire that they may and shall preserve the peace and protect private and public property. The chief shall appoint for a term concurrent with his or her, subject to the approval of the council, such active members of the fire department as he or she may think necessary as fire police, who shall upon taking the oath of office be vested with all the powers of police officers while going to, attending or returning from any alarms of fire, drills, tests or other details subject to the direction of the chief or other persons in command of the fire department.
- C. Suspension of Members. The chief shall have the power to suspend from duty any member of the fire department for disobedience of orders of any officer in command when on duty. All appeals from his or her decision shall be made in writing to the council at a regular meeting, who may appoint a time to publicly hear the appeal and affirm, reverse or change the decision by a majority vote of all the members of the council.
- D. Watchers. The chief shall have the power to call on the captain or person in charge of any company or companies for such men as he or she may deem necessary to act as watchers after a fire is under control and the rest of the department returned to its quarters; and the captains in control of several companies shall thereupon designate the members of their companies to perform such duty. The watchers shall be paid such compensation as the council may fix annually for each hour they are on duty upon presentation to the council of proper borough vouchers approved by the chief of the department.
- E. Absence or Incapacity of Chief. On alarm, in case of the absence or incapacity of the chief, the command of the department and all of the duties of the chief shall devolve to the first and second assistant chiefs of the fire department and upon their absence or incapacity, upon the first approving active ex-chief of the fire department who shall be present upon the required occasion as herein provided and such ex-chief shall continue until the arrival of the chief, the first assistant or the second assistant chiefs of the fire department.
- F. The chief shall develop and promulgate standard operating guidelines for the good of the department, and all members shall be subject thereto.

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- G. Liaison to Governing Body. The chief shall act as the liaison to the mayor and council on all matters pertaining to fire operations, fire equipment and administration of fire operations. (Prior code § 3-5)

(Ord. No. 2008/18, 9-15-08)

### **2.48.060 Removal or suspension.**

The council may at any time for cause shown in writing remove, suspend or expel any member or officer of the fire department or of any company by a majority vote of all the members of the council after having given the member or officer an opportunity to be heard publicly before the council. (Prior code § 3-6)

(Ord. No. 2008/18, 9-15-08)

### **2.48.070 Fires outside the borough.**

In case of a fire outside the borough, the fire apparatus shall be permitted to leave the borough in those circumstances as outlined in the prevailing mutual aid agreement, and/or at the discretion of the fire chief.

(Ord. No. 2008/18, 9-15-08)

### **2.48.080 Rules and regulations.**

- A. False Alarms Prohibited. No person shall cause any false alarm of fire to be given nor shall any person intermeddle with, injure or destroy any of the property appertaining to or belonging to the fire department. Nor shall any person intermeddle with, injure, damage or destroy the fire alarm system of the borough and no person shall aid, abet, or assist in giving of a false alarm or the injuring or destroying of any of the property of the fire department or the fire alarm system of the borough.
- B. Driving Over Hoses Prohibited. No person shall drive or cause to be driven any vehicle over any hose nor shall in any manner damage, deface or injure any hose, apparatus or appliance of the fire department of the borough.
- C. Fire Apparatus and Ambulance to Be Given Right-of-Way. The driver of any vehicle on approach of any fire apparatus or ambulance in the borough shall immediately draw up the vehicle as near as practicable to the right-hand side of the street and parallel thereto and bring it to a standstill until the fire apparatus or ambulance has passed. No person shall interfere with, impede or delay any fire apparatus or ambulance in the borough in any manner or for any cause under his or her control. (Prior code § 3-8)

(Ord. No. 2008/18, 9-15-08)

### **2.48.090 Junior firefighter's auxiliary.**

There is established pursuant to the authority granted by N.J.S.A. 40A:14-95 a Freehold Borough fire department junior firefighter's auxiliary.

- A. Eligibility for Membership. Pursuant to the provisions of N.J.S.A. 40A:14-96 no person shall be eligible for membership in the junior firefighter's auxiliary hereby established who is less than fifteen (15) nor more than eighteen (18) years of age. Persons between the ages of fifteen (15) and eighteen (18) shall be required to obtain permission to join the auxiliary established hereby

from their parents or legal guardians. Such permission shall be in writing and acknowledged or proved in the manner required by law.

- B. Rules and Regulations Governing Activities of Junior Firefighter's Auxiliary Members. No member of the junior firefighter's auxiliary shall be required to perform duties which would expose him or her to the same degree of hazard as a regular member of the volunteer fire companies which constitute the Freehold Borough fire department.

The rules and regulations proposed to the mayor and council by the Freehold Borough fire department prior to the adoption of this section are incorporated by reference as if fully set forth at length. The regulations and rules may be periodically amended or modified after submission and review by the governing body of the borough and acceptance thereof by resolution of the governing body of the borough. (Prior code § 3-9)

(Ord. No. 2008/18, 9-15-08; Ord. No. 2010/10, § 1, 6-7-10)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 2008/18, adopted Sept. 15, 2008, amended Ch. 2.48 in its entirety to read as herein set out. Former Ch. 2.48, §§ 2.48.010—2.48.090, pertained to fire department, and derived from prior code §§ 3-1—3-9. [\(Back\)](#)

## **Chapter 2.50 LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)**

Sections:

[2.50.010 Fire Department LOSAP.](#)

[2.50.020 First Aid and Emergency Squad LOSAP.](#)

### **2.50.010 Fire Department LOSAP.**

- A. A Length of Service Award Program (LOSAP) is herewith in accordance with Chapter 338 of the Laws of 1997, to reward members of the volunteer Freehold Borough fire department for their loyal, diligent, and devoted services to the residents of the borough of Freehold.
- B. The LOSAP shall provide for fixed annual contributions to a deferred income account for each volunteer member that meets the criteria set forth in this section; that such contributions shall be made in accordance with a plan that shall be established by the borough of Freehold 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 the ordinance codified in this chapter.
- C. The LOSAP shall provide for annual contributions to each eligible member whom the borough had determined has performed and accrued fifty (50) points of service in the particular calendar year pursuant to the borough of Freehold point system, a copy of which is attached in this section. The

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borough of Freehold governing body reserves the right to amend the point system and schedule pursuant to state law, rules and regulations.

- D. The annual contribution amount for each year of service for each eligible volunteer member shall be one thousand one hundred fifty dollars (\$1,150.00), yielding a total estimated cost of one hundred twenty-six thousand five hundred dollars (\$126,500.00).
- E. Each active volunteer member shall be credited with points for volunteer services provided to the Freehold Borough Volunteer Fire Department in accordance with the following schedule:
  - I. Training Courses: Verified by certificates
    - a. Continuing Education Courses—15 point maximum  
1 point per course
    - b. Basic Firefighter I Training—30 points  
Completion of state approved F.F.I. Training program
  - II. Drills
    - a. Fire Company Drill—12 point maximum  
1 point per drill
    - b. Department Drill—12 point maximum  
6 points per drill
    - c. Department Chief Test—3 points per test  
6 points maximum
  - III. Elected or Appointed Positions
    - a. Chief Officer: Completion of 1 year as Chief,  
1st Assistant Chief, 2nd Assistant Chief—50 points
    - b. Ex Chief—10 points per year
    - c. Department President—10 points
    - d. Ex Department President—4 points
    - e. Department First Vice-President—8 points
    - f. Department Second Vice-President—6 points
    - g. Department Sergeant at Arms—4 points
    - h. Department Secretary—10 points
    - i. Department Treasurer—6 points
    - k. Captain—4 points
    - l. Ex Captain—2 points per year
    - m. First Lieutenant and Second Lieutenant—3 points

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- n. Company Engineer—4 points
  - o. Company Assistant Engineer—3 points
  - p. Ex Company President—2 points
  - q. Company Vice-President—3 points
  - r. Company Secretary—3 points
  - s. Company Treasurer—3 points
  - t. Company President—4 points
- IV. Attendance at Meetings
- a. Company Meetings—18 points maximum  
1 point per monthly and/or special meeting
  - b. Delegate Attendance at State Convention — 1 point (must vote) Life Member at ;b3; State Convention — 1 point (must vote)
  - c. Department Meetings—1 point  
Special Department Meeting—1 point—6 points maximum
  - d. Officer Meetings—1 point—15 points total
  - e. Board of Reps and Special Board of Reps—1 point  
12 points maximum (regular and special meetings)
  - f. Exempt Fireman's Association—1 point per meeting
  - g. Delegate Attendance at County Caucus Meeting—1 point per meeting:  
Life Members—1 point.
  - h. Local Relief Delegates Meetings—1 point per meeting  
12 points maximum
  - i. Longevity Schedule (Based on continuous years of service):
    - a. 10 to 20 years—10 points
    - b. 21 to 30 years—20 points
    - c. 31 to 40 years—25 points
    - d. 41 to 50 years—30 points
    - e. Over 50 years—50 points
- V. Fire Calls
- a. Fire Response  
General Alarm and Company Calls—1 point

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b. Signal 2's—.5 points per call

VI. Other Duty—See Report.

1. Department/Company President May Approve and Submit Points for the Positions Noted:

a. Department Committee Chairperson: 4 points.

i. Co-Chairmen will split their points: 2 points each.

b. Department Committee Member: 2 points.

c. Company Committee Chairperson: 3 points

i. Co-Chairmen will split their points: 1 ½ points each

d. Company Committee Member: 2 points.

e. Special Project Chairman: 4 points.

i. Co-Chairmen will split their points: 2 points each.

f. Special Project Committee Member: 2 points.

g. Committee members will receive ½ point for each committee session ;b4; (including meetings).

2. Other Events or Activities Includes Activities Formerly Referred to as "Special Duty". These activities, such as care of equipment and apparatus, standby at nonemergency events, placing of drapes or banners, truck maintenance, funeral details, parade and wet-down preparation, and time related to fire service (example: cleanup after a fire) will be reported to the chief of the department by the company officer in charge using a department run sheet. Members attending will receive ½ point per session.

3. Kruse Nite Standby Will Be Credited at 1 Point Per Night.

4. Total Points for "Other Duty" Will Not Exceed 15 Points For The Year.

5. Members in Active Military Duty: This information must be reported to the department secretary with a copy of any documentation required in the judgment of the secretary.

a. The time served in active military duty is counted toward the vesting requirement.

b. A member serving active military duty during the calendar year (January through December) will receive prorated points during the time served during that year.

i. 1 week to 3 months active military duty: 12.5 points.

ii. 3 months to 6 months active military duty: 25 points.

iii. 6 months to a year active military duty: 50 points.

6. Temporary Disability Due to a Fire-Related Injury: This information must be reported to the department secretary by the chief of the department, with documentation to support the member's inability to perform his or her duties.

a. A member temporarily disabled due to a fire-related injury will receive one point per week (seven consecutive days) during the disability period.

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- b. Subject to the satisfaction of the documentation presented by the chief of the department, a request for adjustment of attendance may be presented, including a retroactive request.
7. **Members Who Become Disabled or Sick:** This information must be reported to the department secretary. The secretary may require documentation as he determines.
8. **Non-Fire-Related Sick Leave and/or Leave of Absence:** A member may be placed on sick leave or on leave of absence as provided for in the fire department constitution and by-laws.
  - a. During the time a member is on sick leave or leave of absence he is not eligible to earn or be awarded any LOSAP points. Further, this time does not count a time toward the vesting requirement.

(Ord. 2004/28: Ord. 2003/14)

(Ord. No. 2009-16, 9-21-2009)

### **2.50.020 First Aid and Emergency Squad LOSAP.**

- A. A Length of Service Award Program (LOSAP) is herewith in accordance with Chapter 388 of the Laws of 1997, to reward members of the volunteer Freehold First Aid and Emergency Squad, Inc., 18 Spring Street, Freehold, New Jersey 07728 for their loyal, diligent, and devoted services to the residents of the borough of Freehold.
- B. The LOSAP shall provide for fixed annual contributions to a deferred income account for each volunteer member that meets the criteria set forth in this section; that such contributions shall be made in accordance with a plan that shall be established by the borough of Freehold 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 the ordinance codified in this chapter.
- C. The LOSAP shall provide for annual contributions to each eligible member whom the borough had determined has performed and accrued one hundred (100) points of service in the particular calendar year pursuant to the Freehold First Aid and Emergency Squad Program and point system, a copy of which is attached in this section. The contributions of the LOSAP will be apportioned between the borough of Freehold and the township of Freehold. Apportionment of the contributions will be based on the call volume ratio between the two municipalities. Freehold Borough will be responsible for thirty-five (35) percent of the contribution and the township of Freehold will be responsible for sixty-five (65) percent of the contribution. The borough of Freehold governing body reserves the right to amend the point system and schedule pursuant to state law, rules and regulations, provided identical changes are ratified by the township of Freehold governing body.
- D. The annual contribution amount for each year of future service for each eligible volunteer member shall be one thousand one hundred fifty dollars (\$1,150.00). The estimated annual cost of this program shall be based on twenty-eight (28) members for a total cost of thirty-two thousand two hundred dollars (\$32,200.00), and the costs shall be apportioned as stipulated in subsection C. of this section. Freehold Borough will be responsible for thirty-five (35) percent of the contribution and the township of Freehold will be responsible for sixty-five (65) percent of the contribution. Freehold Borough will be responsible for eleven thousand two hundred seventy dollars (\$11,270.00) of the contribution and Freehold Township will be responsible for twenty thousand nine hundred seventy dollars (\$20,970.00) of the contribution.
- E. Each active volunteer member shall be credited with points for volunteer services provided to the Freehold First Aid and Emergency Squad in accordance with the following schedule:

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Calls	65 points maximum, 35 minimum
	1 point for every 5 answered emergency calls
Drills	12 points maximum
	1 point for every "Official" Freehold First Aid drill
Training	10 points maximum
	1 point per every 2 hours of classroom course attended
Length of Service	10 points maximum
	1 point for every 5 years of service to the First Aid Squad
Stand by	10 points maximum
	1 point for every 2 hours of a scheduled stand by
Positions	30 points maximum
	Completion of a 1 year term in an elected/appointed position
	1. Administrative officers
	2. Line officers
Special events	10 points maximum
	Participation in activities not otherwise listed, 1 point per activity.
	All events will be announced in advance.

(Ord. 2004/16)

(Ord. No. 2009-16, 9-21-2009)

## **Chapter 2.52 DEPARTMENT OF FINANCE**

Sections:

[2.52.010 Director.](#)

[2.52.020 Division of the treasury.](#)

[2.52.030 Division of tax collection.](#)

[2.52.040 Division of tax assessments.](#)

### **2.52.010 Director.**

There shall be a department of finance of the borough which shall have jurisdiction over all the business of the borough. The chief financial officer shall be designated by the council and shall be a person who meets the qualification set forth in 40A:9-140.1, and shall have all of the responsibilities as referred to in said ordinance referring specifically to Public Law 1947, Chapter 151 et seq., with all amendments and supplements thereof. The chief financial officer shall be the director of the department of finance.

(Prior code § 2-9.1)

### **2.52.020 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 council, shall be the treasurer of the borough. He or she shall serve for a term of one year.
- B. Powers and Duties of the Treasurer. The treasurer shall have, perform and exercise all the functions, powers and duties as provided by general law and borough ordinances. He or she 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 Finance in the Department of Community Affairs of the state of New Jersey. He or she shall have custody of all public moneys of the borough and shall make monthly reports to the council of all receipts, expenditures, commitments and unexpended appropriations. All moneys 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. Assistant Treasurer. There is established the position of assistant borough treasurer. The assistant borough treasurer shall be appointed annually by the council for a term of one year. The assistant treasurer is empowered to perform all of the duties of the borough treasurer in the absence of the borough treasurer, under the guidance and supervision of the borough treasurer.

(Prior code § 2-9.2)

### **2.52.030 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.

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- A. Appointment. There shall be appointed a tax collector to serve for a term as established by state statute as amended and supplemented.
- B. Duties. The tax collector shall possess all the powers and duties established by law. The collector shall enter in suitable books to be kept for that purpose the sums received by him or her each day for taxes, with the names of the persons on whose account the same shall have been paid; shall keep a record and account of the finances of the borough, and shall, within sixty (60) days after the end of the fiscal year, or when otherwise required by the council, make and furnish a report thereof, with a detailed and true statement of all moneys received by him or her and disbursed therefrom and for what purposes, from the commencement of his or her official year to the date of his or her report, or for such period as the council may require, and a list of delinquent taxpayers for the previous year. He or she shall file the report, with two copies of the statement and list of delinquents, with the borough clerk within the time hereinbefore specified or when otherwise required by the council.

(Ord. 2001/21 § 5 (part); prior code § 2-9.3)

### **2.52.040 Division of tax assessments.**

Within the department of finance for administrative purposes, there shall be a division of tax assessments, the head of which shall be the tax assessor. The tax assessor shall:

- 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.

(Prior code § 2-9.4)

## **Chapter 2.56 MUNICIPAL COURT**

Sections:

[2.56.010 Established—Powers.](#)

[2.56.020 Municipal judge—Powers and duties.](#)

[2.56.030 Municipal court clerk.](#)

[2.56.040 Deputy municipal court clerk.](#)

[2.56.050 Prosecutor of the municipal court.](#)

[2.56.060 Municipal court public defender.](#)

**2.56.010 Established—Powers.**

There shall be a municipal court in the borough pursuant to the provisions of N.J.S.A. 2B:12 to be known as the municipal court of the borough. The municipal court shall have a seal bearing the impress of the name of the court. Court shall be held within the borough at such place as the council shall designate from time to time and shall exercise all functions, powers, duties and jurisdiction conferred by law upon municipal courts.

(Ord. 2001/21 § 9 (part): prior code § 2-18.1)

**2.56.020 Municipal judge—Powers and duties.**

There shall be a municipal judge of the municipal court appointed by the mayor with the advice and consent of the borough council. The municipal judge shall serve for a term of three years from the date of appointment and until a successor shall be appointed and qualified.

The municipal judge shall have and possess the qualifications and shall have, possess and exercise all the functions, duties, powers and jurisdictions conferred by N.J.S.A. 2B:12-1, et seq. as amended and supplemented, or by general law or ordinance.

(Ord. 2001/21 § 9 (part): prior code § 2-18.2)

**2.56.030 Municipal court clerk.**

There shall be a clerk of the municipal court who shall be appointed by the council and who shall perform the functions and duties prescribed for him or her by law, the rules applicable to municipal courts, and by the municipal judge. His or 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 persons wishing to file criminal complaints or wishing information in this regard; receiving complaints and dispensing information relating to court matters;
- C. Maintaining the financial records of the court;
- D. Attending court; recording pleas, judgments and dispositions; arranging trial calendars; signing court documents; preparing and issuing warrants and commitments;
- E. Taking and preparing bail bonds, recognizances, and security in lieu thereof; making inquiry concerning 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, issuing summonses requiring court appearances; maintaining and classifying records and files.

(Prior code § 2-18.3)

**2.56.040 Deputy municipal court clerk.**

There shall be a deputy clerk of the municipal court, who shall be appointed by the council and who shall perform the functions assigned to him or her by the municipal judge and by the municipal court clerk.

(Prior code § 2-18.4)

**2.56.050 Prosecutor of the municipal court.**

There is created the post of prosecutor of the municipal court of the borough.

(Prior code § 2-18.5)

**2.56.060 Municipal court public defender.**

- A. There shall be a municipal court public defender appointed by the mayor and council. The municipal court public defender shall serve for a term of one year from the date of the appointment and until the successor shall be appointed and qualifies. The municipal court public defender shall be an attorney at law of the state of New Jersey and shall provide all necessary and desirable legal counsel and advice required for the defense of cases in the municipal court of the borough on behalf of those indigent defendants who are entitled by law to appointment of counsel and as approved by the municipal court judge.
- B. Every person who makes application to the Freehold Borough municipal court for representation by the public defender in any matter pending before the court shall pay an application fee of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). The municipal court may waive the required application fee, in whole or in part, if the court determines in its discretion that the application fee represents an unreasonable burden on the person seeking representation.

(Ord. 3/98 § 1: Ord. 2/97 § 1: prior code § 2-18.6)

**Chapter 2.60 BOARD OF HEALTH**

Sections:

[2.60.010 Establishment.](#)

[2.60.020 Powers and duties.](#)

[2.60.030 Joint employment of health officer.](#)

**2.60.010 Establishment.**

There shall be a board of health in the Borough consisting of not less than five nor more than seven members appointed by the mayor, with the advice and consent of council, for a term of four years, except that of the members first appointed, at least one shall hold office for one year, one for two years, one for three years and two for four 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.

(Prior code § 2-22.1)

(Ord. No. 2010/1, § 1, 2-1-2010)

**2.60.020 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, shall employ necessary personnel and fix their salaries, 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 Revised Statutes.

(Prior code § 2-22.2)

#### **2.60.030 Joint employment of health officer.**

- A. Be it ordained by the mayor and council of the borough of that the borough of enter into an agreement with the township of Freehold jointly providing for the services of a health officer pursuant to N.J.S.A. 40:8A et seq.
- B. A copy of the agreement authorized by this section shall be filed with the borough clerk of the borough and copies shall be available for public inspection in the municipal building during normal business hours from the time of the passage of the within subsection's first reading.

This section shall take effect upon final adoption and publication according to law and the valid adoption of a similar ordinance by the township of Freehold.

(Prior code § 2-29.2)

### **Chapter 2.64 BOARD OF RECREATION COMMISSION**

Sections:

[2.64.010 Establishment and composition.](#)

[2.64.020 Organization and officers.](#)

[2.64.030 Employees.](#)

[2.64.040 Powers and duties.](#)

[2.64.050 Expenses and finances.](#)

[2.64.060 Records and annual reports.](#)

[2.64.070 Advisory committee.](#)

[2.64.080 Memorial Day committee.](#)

#### **2.64.010 Establishment and composition.**

There shall be a board of recreation commissioners in the borough, which shall consist of seven members, appointed by the mayor, who are residents of the borough. The commissioners first appointed shall be appointed as follows: one member for a term of one year, one member for a term of two years, one member for a term of three years, two members for terms of four years and two members for terms of five years. Thereafter, all appointments shall be for terms of five 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. The members shall serve until their respective successors are appointed and shall qualify. The members shall receive no compensation for their services.

(Prior code § 2-45.1)

**2.64.020 Organization and officers.**

The board shall organize annually on or before the third Tuesday in January after January 1st. It shall elect a chairperson and vice-chairperson from among its members.

(Prior code § 2-45.2)

**2.64.030 Employees.**

The board may appoint a recreation director for a term not to exceed three years, a secretary and such number of custodians, supervisors and assistants for the several playgrounds and recreation places under its control as it shall think necessary and fix and determine their salaries; provided, however, that the salaries so fixed and determined shall be subject to the approval of the borough council and shall be within the limit of the funds appropriated by the borough council. No such employee whose salary is paid from public funds shall hold office in any political party.

(Prior code § 2-45.3)

**2.64.040 Powers and duties.**

- A. The board shall have full control over all lands, playgrounds and recreation places acquired or leased by the borough and may adopt suitable rules, regulations and bylaws for the use thereof and the conduct of all persons while on or using same; and any person who shall violate any of such rules, regulations or bylaws shall be deemed and adjudged to be a disorderly person. The custodians, supervisors and assistants appointed by the board shall, while on duty and for the purpose of preserving order and the observance of rules, regulations and bylaws of the board, have all the power and authority of police officers of the borough.
- B. In order to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under its control, the board may arrange and provide for the giving of exhibitions, plays, concerts, games and contests and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests.
- C. The board may charge and collect a reasonable admission fee for each person entering such playground or recreation place as a spectator during the time or times when the same is not being used or employed for such purposes but shall not use or employ any such playground or recreation place for such purpose for a greater period than a ratio of one hour to every two hours in each day during which the playground or recreation places are utilized nor when any such playground or recreation place is used for such purpose, no admission fee shall be charged or collected from children under twelve (12) years of age.
- D. The board may charge and collect a reasonable service charge from persons using, as participants, special areas and facilities which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting or the operating cost thereof in whole or in part.
- E. Acquisitions. The board shall conduct studies to select lands for public playgrounds and recreation places, and when necessary or advisable, conduct studies to select lands for an approach or approaches by way of ingress thereto and egress therefrom of such size and dimension as the board shall think suitable, regarding being had to the population of the neighborhood. The board shall render such reports to the borough council which may thereafter provide for the acquisition of the various lands selected and recommended by the board, either by way of gift, purchase or condemnation. In making such reports, the board shall cause surveys and maps to be made thereof, together with a careful estimate, as nearly accurate as need be, of the probable cost of acquiring such lands, and a statement of the annual rental and duration of term, if the board deems it

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advisable to lease the same, together with an estimated cost of preparing such lands and suitably equipping the same by the erection of buildings, stands, seats and other structures and apparatus for such playgrounds and recreation places.

- F. The board shall maintain a system of public recreation, including playgrounds, and shall, on or before December 1st of each year, report to the borough council the estimated amount necessary to operate and maintain the system of public recreation.

(Prior code § 2-45.4)

### **2.64.050 Expenses and finances.**

- A. The borough council shall annually fix, determine and appropriate a sum which the council, in its discretion, deems appropriate for the care, custody, policing and maintenance of the recreation program and the various expenses of the board of recreation commissioners.
- B. All moneys received by the board shall be paid over to the borough treasurer and be kept by him or her in a special fund, which shall be under the control of the board and used for the purpose of defraying the expenses of the board.
- C. The board of recreation commissioners shall not maintain its own financial records, but all financial records and financial matters, such as payroll and purchasing, shall be maintained by and conducted through the usual borough departments.

(Prior code § 2-45.5)

### **2.64.060 Records and annual reports.**

The board of recreation commissioners shall keep records of its meetings and activities and shall make an annual report to the borough council in December of each year.

(Prior code § 2-45.6)

### **2.64.070 Advisory committee.**

A committee to be known as the advisory committee to the board of recreation commissioners shall be appointed by the mayor and shall consist of up to seven nonvoting members. The members of the advisory committee shall be appointed for a one year term and shall serve until their respective successors are appointed.

(Ord. 13/97 § 1: prior code § 2-45.7)

### **2.64.080 Memorial Day committee.**

A committee to be known as the Memorial Day committee to the board of recreation commissioners shall be appointed by the mayor and shall consist of at least seven but not more than fifteen (15) people who shall serve for a one-year term. In addition, one member of the borough council and one member of the board of recreation commissioners shall be members of the committee. The committee shall be responsible for planning for and conducting the Annual Memorial Day Parade in the borough and any events commemorating the veterans of our country.

(Prior code § 2-45.8)

## **Chapter 2.68 CENTRAL NEW JERSEY TRANSPORTATION BOARD**

Sections:

[2.68.010 Findings.](#)

[2.68.020 Agreement.](#)

[2.68.030 Composition—Term.](#)

[2.68.040 Borough delegates.](#)

[2.68.050 Powers of the board.](#)

[2.68.060 Authority restricted.](#)

[2.68.070 Right to withdraw.](#)

### **2.68.010 Findings.**

The borough is in proximity to several major freeway systems and has a significant degree of private and public transportation. Some of the residents of the borough are commuters who use existing public transportation as well as private transportation to and from their places of employment.

The borough council in appreciation of the significance of surface transportation systems to its residents, designates the traffic control and parking committee as a permanent transportation board composed of borough residents.

Freehold Township has passed a similar ordinance creating the Central New Jersey Transportation Board; and it is the opinion of the mayor and council that improvements in public transportation systems can best be achieved on a regional basis.

(Prior code § 2-34)

### **2.68.020 Agreement.**

The borough agrees to join the Central New Jersey Transportation Board and joins in the establishment thereof.

(Prior code § 34.2)

### **2.68.030 Composition—Term.**

The board shall consist of two members from each municipality which elects to adopt an ordinance reasonably similar to this chapter. The members so delegated and appointed by a member municipality by action of the governing body shall be residents of the appointing municipality, and once appointed shall serve without compensation. Terms of appointment shall be for three years. A vacancy on the board occurring otherwise than by expiration of a term shall be filled to the unexpired term in the same manner as the original appointment. There shall be no prohibition against any member of a governing body or a member of any other board of the appointing municipality serving as the member of the board.

(Prior code § 2-34.3)

**2.68.040 Borough delegates.**

The borough delegates to the board shall coordinate their activities with, and shall be subject to direction by, the borough traffic control and parking committee.

(Prior code § 2-34.4)

**2.68.050 Powers of the board.**

The board shall have general powers for the improvement of surface transportation for borough residents and for the region. To that end, the board shall:

- A. Conduct research;
- B. Make studies;
- C. Appear at meetings;
- D. Advocate and promote the improvement of transportation;
- E. Be empowered to use litigation as a means to achieve its goals.

(Prior code § 2-34.5)

**2.68.060 Authority restricted.**

The board shall have no authority or power to borrow any moneys, either permanent or temporary.

(Prior code § 2-34.6)

**2.68.070 Right to withdraw.**

Any member municipality may withdraw from the board by the adoption of a resolution recalling its delegates.

(Prior code § 2-34.7)

**Chapter 2.72 RENTAL PROPERTY REVIEW BOARD\***

Sections:

[2.72.010 Preamble.](#)

[2.72.020 Definitions.](#)

[2.72.030 Establishment, membership and terms of office.](#)

[2.72.040 Powers and duties.](#)

[2.72.050 Notice to tenants.](#)

[2.72.060 Exemptions.](#)

[2.72.070 Meetings and annual report to mayor and council.](#)

**2.72.010 Preamble.**

Freehold Borough has approximately one thousand nine hundred (1,900) rental units.

The rental housing stock has significant health and safety issues, including overcrowding, sleeping in nonhabitable areas with no means of ingress and egress in case of emergency, poor living conditions and exploitation of tenants with inflated rental prices.

The human relations committee studied issues related to the problems plaguing rental properties in Freehold Borough and recommended that the governing body establish a committee to examine the issues more closely and make recommendations to the governing body.

The HRC recommended that the new "rental property" committee be charged with reviewing the status of rental housing in the borough with the goal of finding the best ways to protect the health, safety and welfare of tenants, landlords and the community at large.

The governing body established and created a rental property advisory committee in the borough of Freehold to:

- A. Review the status of rental housing in the borough, with particular emphasis on single-family rental homes;
- B. Preserve the health, safety and welfare of tenants, landlords and the community at large;
- C. Encourage landlords and tenants to restore and maintain structures to the standards defined by the BOCA code;
- D. Encourage dialogue between the concerns of tenants, landlords and the community regarding problems affecting all residents;
- E. Research all potential solutions, including rent control, to the complex problems in the rental housing market;
- F. Serve in an advisory capacity to the building department, code office and borough council and all other borough departments and offices in an effort to maintain the character of Freehold Borough and preserve the public health, safety and welfare regarding rental housing. The committee shall also make recommendations to the above entities for the development of policies and procedures in general and for programs of formal and informal education that will promote awareness of the housing code, fire and safety issues and all issues affecting rental housing;
- G. The rental property committee shall perform other reviews and investigations that are requested by the mayor and/or council;
- H. Make recommendations to the mayor and council for the protection of the health, safety and welfare of tenants, landlords and the community at large regarding rental housing.

The rental property committee carried out its duties and presented a report to the governing body with numerous recommendations. One recommendation was that the committee continue in existence to monitor the rental property concerns. Upon review, the governing body determined to amend and expand the multiple dwelling review board to assume those responsibilities.

The mayor and council of the borough believe it is in the public interest to provide for the expansion of the multiple dwelling review board, to be called "rental property review board" to serve as a monitoring and regulatory agency regarding landlord and tenant relations within the borough.

(Ord. 2008/10 (part))

**2.72.020 Definitions.**

As used in this chapter:

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"Amenities" means any services or facilities not required by state or municipal law to be provided but nevertheless are provided for the benefit of the tenants.

"Apartment" means and includes that portion of a dwelling unit, rented or offered for rent, for living and dwelling purposes, to one individual or family unit together, with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the property.

"Available for rent to tenant" means fit for habitation as defined by statutes of the state of New Jersey, codes and ordinances of the borough.

"Dwelling" means and includes any building or structure rented or offered for rent to one or more tenants or family units.

"Maintenance" or "property maintenance" means the cleanliness and proper working order and upkeep of all areas and facilities of the complex used by tenants and the public.

"Necessary services" means those services and facilities mandated by state or municipal law.

"Occupants of rental units" or "tenants" means those persons who have leased the unit from the owner regardless of the type of tenancy under which they occupy the unit.

"Owner" means any person who owns any legally cognizable interest in any apartment or rental unit or any person employed by such owner in the management or operation of such complex.

"Rent increase" means any increase in the amount of rent to be paid or any diminution of amenities or necessary services occurring without a decrease in rent.

"Rental unit" means and includes any unit, or that portion of a dwelling, rented or offered for rent, for living and dwelling purposes, to one individual or family unit together, with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the property.

(Ord. 2008/10 (part))

### **2.72.030 Establishment, membership and terms of office.**

There is established the rental property review board. The board shall consist of no less than seven and no more than fifteen (15) members who are appointed annually by the mayor with the advice and consent of council.

The board shall consist of a minimum of the following:

- A. Two tenants;
- B. Two landlords;
- C. One member of the human relations committee;
- D. One homeowner;
- E. One realtor with knowledge and expertise in Freehold Borough;
- F. One representative of the code enforcement office (nonvoting member).

The mayor shall appoint a chairman of the board, who shall be charged with setting the date for the meetings, calling the meetings to order, establishing an agenda for the meetings and maintaining order at the meetings.

(Ord. 2008/10 (part))

**2.72.040 Powers and duties.**

The purposes, powers and duties of the rental property review board are:

- A. Review the status of rental housing in the borough, in order to preserve the health, safety and welfare of tenants, landlords and the community at large;
- B. Establish procedures to encourage landlords and tenants to restore and maintain structures and rental units to the standards defined by the BOCA code;
- C. Establish procedures to encourage dialogue between the concerns of tenants, landlords and the community regarding problems affecting all residents;
- D. Research potential solutions to the complex problems in the rental housing market;
- E. Serve in an advisory capacity to the building department, code office and borough council and all other borough departments and offices in an effort to maintain the character of Freehold Borough and preserve the public health, safety and welfare regarding rental housing. The board may also make recommendations to the above entities for the development of policies and procedures in general and for programs of formal and informal education that will promote awareness of the housing code, fire and safety issues and all issues affecting rental housing;
- F. The rental property review board shall perform other reviews and investigations that are requested by the mayor and/or council;
- G. Make recommendations to the mayor and council for the protection of the health, safety and welfare of tenants, landlords and the community at large regarding rental housing;
- H. Establish procedures for reviewing and monitoring landlord compliance with the terms and provisions of any rent stabilization agreement adopted by mayor and council of the borough and all landlords, subject to the terms and provisions of that agreement;
- I. The board shall receive, investigate and attempt to resolve complaints submitted by tenants concerning building maintenance, basic services, amenities, rental increases or any other matter relevant to or affecting landlord-tenant relations within the borough. The board shall provide a forum for tenants who have complaints. Upon receipts of a written complaint from a tenant, the board shall immediately notify the landlord of the complaint and schedule a hearing on the complaint. The board shall forthwith supply landlord with a copy of the complaint and may conduct whatever investigation it deems necessary into the complaint. Upon the conclusion of its investigation and hearing, the board shall issue findings of fact and recommendations concerning the complaint. Copies of the findings of fact and recommendations shall be submitted to the landlord and tenant, with a copy to the mayor and council and office of code enforcement. The board shall request voluntary compliance by landlords and tenants concerning its findings and recommendations.

(Ord. 2008/10 (part))

**2.72.050 Notice to tenants.**

Owners of property under the jurisdiction of board shall be required to furnish within ninety (90) days of the adoption of the ordinance codified in this chapter a copy of the rental property review board ordinance to their present tenants and any and all future tenants residing in a rental unit in the primary language of the tenant.

(Ord. 2008/10 (part))

**2.72.060 Exemptions.**

The following classes of property are exempt from provisions of this chapter:

- A. Hotels, motels and those parts of buildings or structures which primarily serve transient guests or are rented for commercial purposes;
- B. Cooperative and condominium units as those terms are defined in the statutes of the state of New Jersey;
- C. A structure or building containing two dwelling units or less, one of which is occupied by the owner of the building.

(Ord. 2008/10 (part))

**2.72.070 Meetings and annual report to mayor and council.**

- A. The board shall meet at least quarterly, shall make an annual report in December to the mayor and council of its activity, and shall make such recommendations periodically as may be necessary to carry out the purposes of this chapter. The chairman shall call meetings to review applications or complaints referred to it so that the board may act within the time limits set forth herein.
- B. A quorum shall consist of four members. All meetings shall be open to the public.

(Ord. 2008/10 (part))

**Chapter 2.76 LAKE TOPANEMUS COMMISSION**

Sections:

[2.76.010 Findings.](#)

[2.76.020 Established.](#)

[2.76.030 Composition and term.](#)

[2.76.040 Powers.](#)

[2.76.050 Secretary—Treasurer.](#)

[2.76.060 Joint auditor.](#)

[2.76.070 Employees of the commission.](#)

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**2.76.010 Findings.**

The borough is the owner of a certain parcel of land known as Lake Topanemus, which is located within the township of Freehold. It is the opinion of the governing bodies of the borough of Freehold and of the township of Freehold that it would be in the best interest of the residents of each respective municipality that certain arrangements be made as hereinafter embodied with respect to the use of such

property and its facilities as a recreation area to be used by the residents of the township and the residents of the borough.

(Prior code § 2-32.1)

**2.76.020 Established.**

There is established a commission to be known as the Lake Topanemus commission.

(Prior code § 2-32.2)

**2.76.030 Composition and term.**

- A. Composition. The commission shall consist of eight members; four resident voters from the borough of Freehold and four resident voters from the township of Freehold. A chairperson shall not vote except in the case of a tie. In January of each year, the chairperson shall be selected by the members of the commission for a period of one year.
- B. Term. The chairperson shall be appointed for a period of one year. Such appointment shall alternate annually between members from the respective municipalities. The terms of office of the members of the commission from each respective municipality first appointed shall be one, two and three years. Thereafter the term of each member shall be three years.
- C. Appointment. All members of the commission shall be appointed by the governing body of their respective municipality according to law. Such appointment shall commence March 1st and continue thereafter for the proper tenure. There shall be no prohibition against any member of either governing body serving as a commissioner.
- D. Compensation. All members of the commission shall serve without compensation.
- E. Removal. Each commissioner may be removed or suspended from office as provided by ordinance of the municipality from which he or she shall be appointed.

(Ord. 2006/25 § 1: prior code § 2-32.3)

**2.76.040 Powers.**

The commission shall have the power to sue and be sued, claim or defend in any court, use a common seal and have such other corporate powers as may be necessary to carry into effect the provisions of this section, except as specifically modified. The commission shall have control and shall maintain Lake Topanemus as a park area and recreational site for the benefit of the residents of the township of Freehold and of the borough. The commission is authorized to prepare rules and regulations for the use and maintenance of the property, which rules and regulations shall be available upon request by any resident of either municipality, and further pertinent excerpts of such rules and regulations shall be posted conspicuously at the entrances to the park.

(Prior code § 2-32.4)

**2.76.050 Secretary—Treasurer.**

After appointment, the commission shall organize as soon as practicable and shall appoint a secretary and treasurer who need not be members of the commission. The secretary shall keep correct minutes of the meetings and transactions of the commission and shall perform such other duties as may

be required. The treasurer shall give bond for the faithful performance of his or her duties in such amount as the commission shall prescribe. The offices of secretary and treasurer may be held by the same person.

(Prior code § 2-32.5)

**2.76.060 Joint auditor.**

The respective governing bodies of the two municipalities shall, by resolution, appoint a joint municipal auditor who shall determine the allocation of costs and revenues between the two municipalities and shall certify those costs and revenues to the two municipalities.

(Prior code § 2-32.6)

**2.76.070 Employees of the commission.**

The commission shall have the power and authority to hire and fire and fix the salaries of any employees. The commission may appoint such other agents and employees as may be deemed necessary to carry into effect the provisions of this section. No action of the commission shall be binding unless taken at a public meeting at which at least two of the members, including the chairperson, from each municipality are present.

(Prior code § 2-32.7)

**2.76.080 Finances.**

The commission shall have no authority or power to borrow any moneys either permanent or temporary and it shall be limited in its expenditures in an amount not to exceed by five percent the preceding annual budget, without prior written approval of the two municipalities. The township and the borough obligate themselves to appropriate equal contributions of five thousand dollars (\$5,000.00) as initial contributions to meet all expenditures of the commission during its first year of operation. After initial contributions by the two municipalities, the commission shall operate on a self-sustaining basis. At no time, however, shall the commission exceed a profit margin of twenty-five (25) percent. The commission shall pay to each municipality, from time to time as it deems proper and able out of its revenues, a sum equal to the amount actually advanced, without interest, to the commission hereunder as initial contributions or any other advance. The amounts so advanced by each municipality shall constitute a debt of the commission until so paid, but shall not constitute a lien on any revenues of the commission.

(Prior code § 2-32.8)

**2.76.090 Advisory panel.**

After the appointment of the commission, a four-member advisory panel shall be appointed. Freehold Township shall appoint the park and recreation superintendent as well as the chairperson of the recreation commission. Freehold Borough shall appoint the recreation director and the chairperson of the recreation committee. The function of this advisory panel shall be to assist and collaborate with the commission in its duties. Such person or persons shall not have the power to vote or take other action required or delegated to the commission.

(Prior code § 2-32.9)

### **2.76.100 Dissolution of the commission.**

The commission created in this chapter may be dissolved by parallel ordinances duly adopted by each municipality within any single year on condition that:

- A. The commission by resolution consents to such dissolution;
- B. The commission has no debts or obligations outstanding.

(Prior code § 2-32.10)

## **Chapter 2.80 SHADE TREE COMMISSION**

Sections:

[2.80.010 Commission personnel—Appointment.](#)

[2.80.020 First commission—Subsequent commissions—Terms.](#)

[2.80.030 Organization—Salaries of officers and employees.](#)

[2.80.040 Vacancies.](#)

[2.80.050 Powers of commission.](#)

[2.80.060 Cost of trees and improvements.](#)

[2.80.070 Public improvements affecting trees—Consent of commission, county park commissions unaffected.](#)

[2.80.080 Annual appropriation—Estimated amount.](#)

[2.80.090 Penalties—Jurisdiction of courts—Copy of ordinance as evidence.](#)

[2.80.100 Disposition of penalties.](#)

[2.80.110 No liability for death or injury.](#)

[2.80.120 Reserved.](#)

[2.80.130 Definitions.](#)

[2.80.140 Homeowner maintenance or removal of street trees.](#)

[2.80.150 Permit for maintenance or removal.](#)

[2.80.160 Permit application procedure.](#)

[2.80.170 Penalties.](#)

### **2.80.010 Commission personnel—Appointment.**

The regulation, planting, care and control of shade and ornamental trees and shrubbery upon and in the streets, highways, public places, parks and parkways of the borough, except state highways, unless the State Highway Department shall assent thereto, and except county highways, parks and parkways, if a county shade tree commission is operative and gives assent thereto, shall be exercised by and under the authority of the Freehold Borough shade tree commission, which is created. The commission shall consist of seven members appointed by the mayor with the advice and consent of the borough council. Commission members shall be residents of the borough and shall serve without compensation except as hereinafter provided.

(Prior code § 2-24.1)

**2.80.020 First commission—Subsequent commissions—Terms.**

The first commissioners shall be for the respective periods of three years, four years and five years each. The terms of each appointee shall be designated in his or her appointment. All subsequent appointments, except to fill vacancies, shall be for the full term of five years, to take effect on January 1st, next succeeding such appointment. In the event that the membership of any commission is increased, the new members shall be appointed in such manner that the terms shall expire in accordance with the foregoing.

(Prior code § 2-24.2)

**2.80.030 Organization—Salaries of officers and employees.**

The commission shall be organized within thirty (30) days after the appointment of its total membership for the remainder of the then calendar year, and thereafter annually by the election of one of its members as chairperson, and the appointment of a secretary, who need not be a member. The salary of the secretary, who may be compensated even if a member of the commission, shall be fixed by the council; the salary of all other employees shall be fixed by the commission. All salaries shall be fixed as nearly as practicable in accordance with the salary schedule, if any, of the borough for corresponding positions.

(Prior code § 2-24.3)

**2.80.040 Vacancies.**

Any vacancy occurring by reason of the death, resignation or removal of any commissioner shall be filled for the unexpired term by the mayor.

(Prior code § 2-24.4)

**2.80.050 Powers of commission.**

The shade tree commission shall have power to:

- A. Exercise full and exclusive control over the regulation, planting and care of shade and ornamental trees and shrubbery now located, or which may hereafter be planted in any public highway, park or parkway, except such as are excluded pursuant to Section 2.80.010, including the planting, trimming, spraying, care and protection thereof;
- B. Regulate and control the use of the ground surrounding the same, so far as may be necessary for their proper growth, care and protection;
- C. Move or require the removal of any tree, or part thereof, dangerous to public safety;
- D. Care for and control such parks and parkways; encourage arboriculture; make, alter, amend and repeal, in the manner prescribed for the passage, alteration, amendment and repeal of ordinances by the borough council any and all ordinances necessary or proper for carrying out the provisions hereof;
- E. Administer treatment to, or remove, any tree situated upon private property which is believed to harbour a disease or insects readily communicable to neighboring healthy trees in the care of the borough and enter upon private property for that purpose, with the consent of the owner

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thereof, provided the suspected condition is first confirmed by certificate issued by or on behalf of the New Jersey Department of Agriculture;

- F. Exercise any and all other powers, specific or general, authorized or created by law, particularly R.S. 40:64-1 to 40:64-14, inclusive;
- G. Continue to control, regulate, replace, repair, treat or otherwise proceed with the regulation and control of trees and the ground surrounding the same and continue to hold title to any and all equipment; plants or trees or materials heretofore acquired, undertaken, or now in the process of being done by virtue of authority contained or given to any existing shade tree commission previously created; the commission to have the same power and authority in connection therewith as generally granted hereunder and as generally authorized by R.S. 40:64-1 to 40:64-14, inclusive, including the honoring of any commitments or obligations now in existence on the effective date of the creation of the commission.
- H. The board shall have full control over all borough trees and the ground surrounding same and may adopt suitable rules, regulations and bylaws for the control, regulation, replacement, removal, repair, maintenance, planting, care and treatment of same; and any person who shall violate any of such rules, regulations or bylaws shall be deemed and adjudged to be a disorderly person. The custodians, supervisors and assistants appointed by the board shall, while on duty and for the purpose of preserving order and the observance of rules, regulations and bylaws of the board, have all the power and authority of police officers of the borough.

(Prior code § 2-24.5)

(Ord. No. 2013/16, § 2, 11-4-13)

### **2.80.060 Cost of trees and improvements.**

Except as hereinafter provided, the initial cost of all trees planted by the commission, the cost of planting the same, the cost of the posts and boxes or guards used for the protection thereof, and the cost of the removal of any tree or part thereof dangerous to public safety shall be borne by and paid for by the borough; provided approval and consent to such costs upon request of the shade tree commission shall be given prior thereto by formal action of the mayor and council.

(Prior code § 2-24.6)

### **2.80.070 Public improvements affecting trees—Consent of commission, county park commissions unaffected.**

No statute giving any person or state, county or municipal board, body or officials, power or authority to lay any sidewalk along, or to open, construct, curb or pave any street, or to do any similar act, shall be construed to permit or authorize any interference with or injury to a highway shade tree without the consent of the shade tree commission within whose jurisdiction such tree shall be located. In all cases, such commission shall reasonably cooperate with such person, board, body or official for the general public good.

Nothing in this section contained shall be held to take away or diminish any of the powers or authority of any county park commission over the trees or shrubbery in any county park or parkway within its jurisdiction, or to give any other commission or board any power or authority with respect to such trees or shrubbery.

(Prior code § 2-24.7)

**2.80.080 Annual appropriation—Estimated amount.**

During the month of December in each year, the shade tree commission shall certify to the council the estimated sum necessary for the proper conduct of its work during the ensuing fiscal year, which shall include the sums estimated to be expended for such of the following items as it is anticipated expenditure will be made, namely:

- A. Payment of wages and salaries of employees;
- B. Expenses of commission members in discharging official duties including expenses incident to attendance at professional meetings;
- C. Purchase of necessary equipment and materials and the cost of services for the prudent promotion of the work.

The council shall annually appropriate such sum as it may deem necessary for the above purposes.

(Prior code § 2-24.8)

**2.80.090 Penalties—Jurisdiction of courts—Copy of ordinance as evidence.**

- A. The commission may prescribe a fine for the violation of each of ordinances in an amount not exceeding one thousand five hundred dollars (\$1,500.00) for each violation, and the court which now or hereinafter shall have jurisdiction over actions for the violation of ordinances of the municipality in which the commission has been or shall be appointed shall have jurisdiction in actions for the violation of such ordinances as the commission shall enact.
- B. In addition to the penalties authorized by subsection A of this section, the commission may require a person who removes or otherwise destroys a tree in violation of a municipal ordinance to pay a replacement assessment to the municipality. The replacement assessment shall be the value of the tree as determined by the appraisal of a trained forester or certified tree expert retained by the commission for that purpose. In lieu of an appraisal, the commission may adopt a formula and schedule based upon the number of square inches contained in a cross section of the trunk of the tree multiplied by a predetermined value per square inch, not to exceed twenty-seven dollars (\$27.00) per square inch. The square inch cross section shall be calculated from the diameter at breast height and, if there is a multiple-step tree, then each trunk shall be measured and an average shall be determined for the tree. For the purposes of this section, "diameter at breast height" means the diameter of the tree taken at a point four and one-half feet above ground level. The commission shall modify the value of the tree based upon its species, variety, location and its condition at the time of removal or destruction.
- C. Any public utility or cable television company that clears, moves, cuts, or destroys any trees, shrubs or plants for the purpose of erecting, installing, moving, removing, altering or maintaining any structures or fixtures, necessary for the supply of electric light, heat or power, communication, or cable television service upon any lands in which it has acquired an easement or right-of-way, shall not be subject to any penalty imposed by a commission pursuant to subsection A or B of this section. This subsection shall not exempt any public utility or cable television company from any penalty or replacement assessment imposed for negligent action.

The ordinances shall be enforced by like proceedings and process and the practice for the enforcement thereof shall be the same as that provided by law for the enforcement of the ordinances of the municipality in which the commission exists.

The officers authorized by law to serve and execute any process in the municipal court of the borough shall be the officers to serve and execute any process issued out of any court under this title.

A copy of any ordinance of the commission, certified to under the hand of its secretary or chairperson, shall be received in any court of this state as full and legal proof of the existence of the

ordinance, and that all requirements of law in relation to the ordaining, publishing and making of the same, so as to make it legal and binding have been complied with, unless the contrary be shown.

(Ord. 2001/21 § 11: prior code § 2-24.9)

**2.80.100 Disposition of penalties.**

All moneys collected, either as fines or as penalties for any violation of a rule or regulation of the shade tree commission, or as a charge against real estate, under any provisions of law, shall be forthwith paid over to the officer empowered to be custodian of the funds of the borough.

(Prior code § 2-24.10)

**2.80.110 No liability for death or injury.**

Nothing contained in this chapter shall be construed to make the commission or any member thereof responsible for the death or injury of any person, or for any injury to any property or highway tree or shrub.

(Prior code § 2-24.11)

**2.80.120 Reserved.**

**Editor's note**— Ord. No. 2013/16, § 1, adopted Nov. 4, 2013, repealed § 2.80.120 in its entirety, which pertained to ordinances by shade tree commission and derived from the prior code § 2-24.12.

**2.80.130 Definitions.**

As used in this chapter:

"Borough trees" means shade and ornamental trees and shrubbery upon and in the streets, highways, public places, parks and parkways of the borough, and/or between the curb and sidewalk along private property.

(Ord. 2005/28 § 1)

**2.80.140 Homeowner maintenance or removal of street trees.**

This chapter shall apply to the care and maintenance of borough trees, in particular those trees growing between the curb and sidewalk adjacent to the permit applicant's property.

- A. No person or entity shall perform the following activities unless authorized by specific written permission from the borough, the shade tree commission or its legitimate agents as set forth herein, or unless performed by the borough, the shade tree commission or its legitimate agents:
  - 1. The removal, pruning, or any alterations to any borough owned trees.
  - 2. Any willful damage, injury or disfiguration of any borough owned tree. Damage will be considered willful if the damage, injury or disfiguration is caused as the result of but not limited to the following: cutting, carving, taping, gashing or slitting of any tree, or the

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attachment of any rope, wire, cable, nail, sign, poster or any other manmade object to any tree.

3. The disturbance of the soil, or the construction or placement of any nonporous material on the ground around any tree so as to damage roots, cut off air, light or water from the roots; or placement or removal of any soil from within five feet of any borough tree, or to allow any liquid or solid substance which is harmful to such trees to come in contact with them.
4. The planting or placing of any plants or aboveground objects other than official mail boxes between the curb and sidewalk.
5. Notwithstanding the above, residents may apply to the shade tree commission for permission to prune, shape and plant trees on their property in the area between the curb and the sidewalk provided same is done in accordance with the rules, regulations and requirements established by the commission and further provided that any such plantings comply with the list of acceptable plantings as established by the commission.

(Ord. 2005/28 § 2)

(Ord. No. 2013/16, § 3, 11-4-13)

### **2.80.150 Permit for maintenance or removal.**

- A. Property owners may apply to the borough shade tree commission for a permit to perform maintenance or removal of a borough tree located between the curb and sidewalk along the applicant's property for the following types of work:
  1. Pruning to serve one or more of the following purposes: eliminate hazardous dead limbs, remove limbs which conflict with structures or overhead utilities, removal or trimming of other limbs which present a potential hazard. All pruning will be done in compliance with the National Arborist Association, Inc., American National Standards Institute, Inc. Standard ANSI A300 (Part 1)-2001 Revision of ANSI A300-1995; American National Standard for Tree Care Operations—Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices (Pruning).
  2. Removal of trees that have become hazardous.
  3. Trimming of trees that have become hazardous.
  4. Trees causing damage to paved areas. In such case, the following shall apply:
    - a. Where space allows, curve the sidewalk or pavement around the tree, leaving about two feet of undisturbed area around the tree trunk.
    - b. Do not cut or shave off more than fifteen (15) percent of the tree roots. Make cuts clean—do not leave ragged edges.
    - c. Place an eight-inch deep bed of three-quarter-inch stone under the new pavement. This will create a "desert-like" environment under the pavement that discourages root growth.
- B. All pruning or tree removal will be done in accordance with the rules, regulations and requirements established by the commission.
- C. The applicant shall be responsible for total execution of all permitted work, including the legitimate disposal of all tree material removed, the removal of the tree stump to eight inches below the surrounding soil surface (in instances of tree removal), and the restoration of the work site to the extent of reestablishing the original soil surface contour and establishing grass cover. All work must be completed within ninety (90) days of the issuance of the permit.
- D. It shall be the applicant's responsibility to coordinate the work with the appropriate utilities to eliminate conflicts with above- or below-ground service lines; local police to provide traffic control if necessary; neighbors to avoid conflicts.

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- E. Property owners who choose to perform maintenance or removal of borough trees agree to accept full liability for any damage to persons, environment or property resulting from this activity. All of the permitted work shall be done at the applicant's expense.

(Ord. 2005/28 § 3)

(Ord. No. 2013/16, § 4, 11-4-13)

### **2.80.160 Permit application procedure.**

- A. Property owners who desire to perform maintenance or removal of borough trees shall file an application with the shade tree commission via the borough administrator's office and make arrangements to have a representative of the shade tree commission inspect the proposed work site. The application form may be acquired from the borough administrator's office.
- B. Property owners who desire to plant new trees in the area between the curb and the sidewalk shall select the proper tree from the approved list and shall file an application with the shade tree commission via the borough administrator's office and make arrangements to have a representative of the shade tree commission inspect the planting to verify that the proper tree selection has been made and proper planting procedures have been followed.
- C. There shall be no fee for the application.
- D. Upon approval of the proposed work project by the shade tree commission, the commission shall notify the borough administrator and a permit will be issued to the applicant detailing the approved work. The permit shall be effective for ninety (90) calendar days from the date of issue.
- E. In the event the borough or shade tree commission determines that the permit has been violated, and/or the borough or commission deems that the safety of persons and/or property warrants an immediate work stoppage, the permit may be terminated.

(Ord. 2005/28 § 4)

(Ord. No. 2013/16, § 5, 11-4-13)

### **2.80.170 Penalties.**

Any person or entity who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed one thousand two hundred fifty dollars (\$1,250.00). Each day that a violation occurred or is committed or continues may constitute a separate offense.

(Ord. 2005/28 § 5)

(Ord. No. 2013/16, § 6, 11-4-13)

## **Chapter 2.84 HOUSING AUTHORITY**

Sections:

[2.84.010 Creation and establishment.](#)

[2.84.020 Composition—Membership—Term.](#)

**2.84.010 Creation and establishment.**

Pursuant to and by virtue of the power and authority granted to municipalities by the local redevelopment and housing law of the state of New Jersey, N.J.S.A. 40A:12a-1, et seq., a body corporate in politics to be known as the housing authority of the borough is created and established.

(Ord. 2001/21 § 13 (part): prior code § 2-31.1)

**2.84.020 Composition—Membership—Term.**

The authority shall consist of seven members, of whom five shall be appointed by the governing body of the borough, one by the mayor and one by the commissioner of community affairs. The members shall serve for terms of five years and until their respective successors have been appointed and qualified; except that of the five members first appointed by the governing body, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. All appointments shall be subject to and made in the manner required by the law under which the municipality is governed. Vacancies shall be filled in the same manner as the original appointments were made, but for the unexpired term. No more than one member of the housing authority may be an officer or employee of the borough. All members of the housing authority shall be governed by the requirements of N.J.S.A 40A:12a-1, et seq. as amended and supplemented.

(Ord. 2001/21 § 13 (part): prior code § 2-31.2)

**Chapter 2.88 REGIONAL SEWER AUTHORITY**

Sections:

[2.88.010 Created.](#)

[2.88.020 Powers and duties.](#)

[2.88.030 Physical facilities.](#)

[2.88.040 Membership and compensation.](#)

[2.88.050 Filed with state.](#)

[2.88.060 Phase I project.](#)

**2.88.010 Created.**

Pursuant to the provisions of Paragraph C, Section 4 of the Sewerage Authority's Laws of the state of New Jersey (Laws of 1946, Chapter 138, as amended and supplemented) there is created a public body, corporate and politic, under the name and style of the Wall-Manasquan Regional Sewer Authority, which sewerage authority shall be formed of territory as indicated on a map known as "Existing Facilities, Manasquan River Region, Sewerage Study Plan, Plate 1, Thomas W. Birdsall, Professional Engineer, Land Surveyor and Professional Planner, Belmar, New Jersey," dated June 16, 1971, which is incorporated into this chapter by reference thereto and is on file with the borough clerk.

(Prior code § 2-27.1)

**2.88.020 Powers and duties.**

The Manasquan River Regional Sewer Authority is and shall be an agency and instrumentality of the five municipalities created by parallel ordinances duly adopted by their governing bodies and is a sewerage authority as contemplated and provided for by the Sewerage Authority's Law and shall have and exercise all of the powers and perform all of the duties provided for by the Sewerage Authority's Law and any other statutes heretofore or hereinafter enacted and applicable thereto, except that it shall not have the power to construct, install, maintain or operate local or municipal sewerage collection systems nor any part thereof within the boundaries of any participating municipality. This limitation shall not prohibit the regional authority from constructing, maintaining or operating regional transmission mains within the boundaries of any participating municipality extending from the local or municipal sewerage collection system of any participating municipality to the regional authority sewage treatment plant or plants.

(Prior code § 2-27.2)

**2.88.030 Physical facilities.**

All physical facilities of the regional authority, including treatment plants and pumping station, shall, if feasible and practicable, be located and constructed in compliance with all lawful and reasonable zoning, building, screening, buffer, noise and odor requirements of the municipalities in which they are to be located.

(Prior code § 2-27.3)

**2.88.040 Membership and compensation.**

The Manasquan River Regional Sewerage Authority shall consist of ten (10) members thereof, and two of such members shall be appointed by the governing body of each municipality in accordance with the provisions of the Sewerage Authorities Law. The Manasquan River Regional Sewerage Authority shall be authorized to establish an annual salary for each of its members for the year 2002 of not more than three thousand dollars (\$3,000.00). For each year thereafter, the maximum annual salary for each member shall be computed by applying a factor, based upon the annual increase or decrease in the Implicit Price Deflator Index (a/k/a Municipal Cap Index) to the maximum salary for the prior year to determine the yearly adjusted maximum salary of each member.

(Ord. 2002/1 § 2: prior code § 2-27.4)

**2.88.050 Filed with state.**

A copy of this chapter duly certified by the borough clerk shall be filed by the borough clerk in the office of the Secretary of State of the state of New Jersey, pursuant to the provisions of the Sewerage Authority's Law.

(Prior code § 2-27.5)

**2.88.060 Phase I project.**

The borough shall enter into an agreement with the Manasquan River Regional Sewerage Authority and the township of Howell and the township of Freehold in the authority Phase I project area, providing for and relating to the treatment and disposal on the terms and conditions set forth in an agreement

entitled proposed Phase I Regional Facilities Interim Plan", and the mayor shall be authorized and directed on behalf of the borough council to execute the contract under the corporate seal of the municipality which shall be affixed and attested by the clerk, and to deliver the same.

Three copies of the agreement shall be on file in the office of the borough clerk and available for public inspection.

(Prior code § 2-27.6)

## **Chapter 2.92 HUMAN RELATIONS ADVISORY COMMITTEE**

Sections:

[2.92.010 Created.](#)

[2.92.020 Appointments—Term—Membership.](#)

[2.92.030 Chairperson and vice-chairperson.](#)

[2.92.040 Functions and duties.](#)

[2.92.050 Meetings—Annual report.](#)

### **2.92.010 Created.**

There is created a committee to be known as the human relations advisory committee which shall consist of not less than seven nor more than fifteen (15) members to be appointed by the mayor of the borough with the advice and consent of the borough council. All members are to serve without compensation. To the greatest extent possible the ethnic composition of the committee shall be comparable to that of the borough.

(Prior code § 2-42.1)

### **2.92.020 Appointments—Term—Membership.**

All appointments to the advisory committee shall be for a term of three years, except that upon the original organization of the committee, one-third of the membership shall be appointed for a term of one year, one-third for a term of two years and one-third and the remainder for a term of three years. Thereafter, the term of each member shall be for three years. All committee members shall serve until his or her successor is duly appointed and qualified. The appointment of a member to an unexpired term shall be for the unexpired term of the committee member only. The borough administrator and the mayor shall serve as ex-officio members of the committee.

(Prior code § 2-42.2)

### **2.92.030 Chairperson and vice-chairperson.**

The mayor shall annually designate the chairperson of the human relations advisory committee. The human relations advisory committee shall select a vice-chairperson and such other officers from its members as the human relations advisory committee may determine.

(Prior code § 2-42.3)

**2.92.040 Functions and duties.**

The human relations advisory committee shall act in an advisory capacity to the mayor and council of the borough and shall attempt to foster, through community effort or otherwise, goodwill cooperation and conciliation among the groups and elements of the inhabitants of the community. They shall make recommendations to the mayor and the borough council for the development of policies and procedures in general and for programs of formal and informal education that will aid and eliminate all types of discrimination based on, but not limited to, race, creed, color, national origin, ancestry or age.

The human relations advisory committee shall, in conjunction with and in cooperation with other borough departments and state and federal agencies, develop programs that will promote the health, education, welfare, employment, economics, recreation and the total prosperity of all segments of the people of Freehold Borough.

The human relations advisory committee shall perform other reviews and investigations that are requested by the mayor and/or the borough council.

(Prior code § 2-42.4)

**2.92.050 Meetings—Annual report.**

The human relations advisory committee shall meet at least quarterly, shall make an annual report in December to the mayor and borough council of its activity, and shall make such recommendations periodically as may be necessary to carry out the purposes of this chapter.

(Prior code § 2-42.5)

**Chapter 2.96 MUNICIPAL ALLIANCE COMMITTEE <sup>[2]</sup>**

Sections:

[2.96.010 Findings and purpose.](#)

[2.96.020 Establishment.](#)

[2.96.030 Organization, membership and terms.](#)

[2.96.040 Powers and duties.](#)

**2.96.010 Findings and purpose.**

The mayor and council find and declare as follows: N.J.S.A. 26:2BB-9 authorizes the establishment of a municipal alliance to prevent substance abuse committee as a means for implementing policies to reduce abuse. Such a committee, shall identify substance prevention activities, education and community needs. Furthermore, the municipal alliance to prevent substance abuse committee also shall implement related programs and, upon compliance with various guidelines, become eligible to receive state funds to assist the programs developed by the municipal alliance to prevent substance abuse committee.

(Ord. No. 2010/20, § I, 12-20-10)

**2.96.020 Establishment.**

There is hereby created and established a committee to be known as the "Freehold Municipal Alliance Committee to Prevent Substance Abuse" to be a joint committee with the Township of Freehold.

(Ord. No. 2010/20, § I, 12-20-10)

**2.96.030 Organization, membership and terms.**

- A. Organization. The committee shall consist of a minimum of sixteen (16) members and a maximum of twenty (20) members appointed by the mayor and council of the borough, a minimum of fifty (50) percent of whom shall be residents of the borough. The remaining fifty (50) percent of members shall be residents of Freehold Township. Annually the mayor shall appoint one member of the municipal alliance to prevent substance abuse committee to serve as vice chair of the committee until December 31 of that year or until a successor shall have been appointed by the mayor, whichever is later.
- B. Membership Classes. The membership shall consist of the following classes:
1. Class I: The mayor or a member of the borough council;
  2. Class II: The chief of police;
  3. Class III: The president of the Freehold Borough Board of Education or Freehold Regional High School District Board of Education;
  4. Class IV: The superintendent of schools of the Freehold Borough Board of Education or Freehold Regional High School District Board of Education;
  5. Class V: A student assistance coordinator;
  6. Class VI: Representatives from each of the following groups:
    - a. A representative of the parent-teacher association,
    - b. A representative of the local bargaining unit for teachers,
    - c. A representative from Western Monmouth Chamber of Commerce,
    - d. A representative of a local religious group,
    - e. Private citizens,
    - f. A high school student,
    - g. A senior citizen;
  7. Class VII: Nonvoting members may be chosen on a volunteer basis from the community at large.
- C. Term, Appointment and Removal. The term of the members composing Class I, shall be for one year or terminate at the completion of this or her respective term of office, whichever occurs first. The term of a Class II, III, IV or V, member, shall be for two years or terminate at the completion of their respective term of office or tenure, whichever occurs first. The terms of all Class VI members first appointed under this chapter, shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first three years after their appointments; provided that the initial Class VI term of no member shall exceed three years. Thereafter, the Class VI term of each such member shall be for three years, except as provided above.

If a vacancy in any class shall occur otherwise than by expiration of the designated term, it shall be filled by appointment, as above provided, for the unexpired term. No member of the committee shall be permitted to act on any manner in which he or she has, either directly or indirectly, any personal or

financial interest. Any member other than a Class I member, after a public hearing if he or she requests one, may be removed by the borough council for cause.

(Ord. No. 2010/20, § I, 12-20-10)

**2.96.040 Powers and duties.**

The functions of the joint municipal alliance to prevent substance abuse committee shall include, but not be limited to:

- A. Creating a network of community leaders, private citizens and representatives from public and private human service agencies who are dedicated to a comprehensive and coordinated effort to promote and support substance abuse prevention and education programs and related activities with an emphasis on youth;
- B. Conducting a community needs assessment relevant to substance abuse at least once every three years;
- C. Identifying existing efforts and services acting to reduce substance abuse and coordinating projects within the municipality to avoid fragmentation and duplication;
- D. Developing municipal level programs that address the results of the community needs assessment;
- E. Participating in regionally developed programs that accomplish the mission of the local committee;
- F. Assisting the municipality in acquiring funds for alliance programs;
- G. Developing a subcommittee specifically tasked for fund raising;
- H. Assisting the governor's council on alcoholism and drug abuse and the county local advisory committee on alcoholism and drug abuse/alliance steering subcommittee by providing municipal data, reports or other information that promotes the county annual alliance plan.

(Ord. No. 2010/20, § I, 12-20-10)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 2010/20, § I, adopted Dec. 20, 2010, amended Ch. 2.96 in its entirety to read as herein set out. Former Ch. 2.96, §§ 2.96.010—2.96.040, pertained to the subject matter, and derived from Prior code §§ 2-40.1—2-40.4. [\(Back\)](#)

**Chapter 2.100 CODE OF ETHICS**

Sections:

[2.100.010 Short title.](#)

[2.100.020 Findings.](#)

[2.100.030 Purpose and authority.](#)

[2.100.040 Definitions.](#)

[2.100.050 Ethical standards.](#)

[2.100.060 Financial disclosure statements.](#)

[2.100.070 Violations.](#)

### **2.100.010 Short title.**

This chapter shall be known and may be cited as the "Borough of Freehold Code of Ethics."

(Prior code § 2A-5.1)

### **2.100.020 Findings.**

The mayor and council of the borough find and declare that:

- A. Public office and employment are a public trust;
- B. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives;
- C. Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled;
- D. Governments have the duty to both provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties.

(Prior code § 2A-5.2)

### **2.100.030 Purpose and authority.**

- A. It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the borough shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.
- B. It is the further purpose of this chapter to implement the provisions of the Local Government Ethics Law, P.L. 1991, c.29, N.J.S.A. 49A:9-22.1 et seq.
- C. This chapter is enacted under the authority of the Local Government Ethics Law, P.L. 1991, c.29, N.J.S.A. 40A:9-22.1 et seq., and under the further authority granted to the borough under the provisions of Titles 40 and 40A of the New Jersey Statutes.

(Prior code § 2A-5.3)

**2.100.040 Definitions.**

As used in this chapter:

"Agency" means any agency, board, governing body, including the chief executive officer, office, commission or other instrumentality within the borough, and any independent local authority created by or appointed under the authority of the borough, which performs functions other than of a purely advisory nature.

"Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity.

"Employees" means any person, whether compensated or not, whether part time or full time, employed by or serving an agency who is not a local government officer.

"Interest" means the ownership or control of more than ten (10) percent of the profits, assets, or stock of a business organization but shall not include the control of assets in a nonprofit entity or labor union.

"Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.

"Officer" means any person, whether compensated or not, whether part-time or full-time, who is one of the following:

1. Mayor;
2. Council;
3. Borough administrator;
4. Chief financial officer;
5. Borough treasurer;
6. Borough clerk;
7. Chief of police;
8. Tax assessor;
9. Tax collector;
10. Borough attorney;
11. Borough engineer and any and all consulting engineers;
12. Planning board members;
13. Planning board attorney/ administrative officer, planning and zoning;
14. Planning board consulting engineer;
15. Zoning board of adjustment members;
16. Zoning board of adjustment attorney;
17. Borough auditor;
18. Municipal judge;
19. Borough prosecutor;
20. Library commission members;
21. Library director;
22. Zoning officer;
23. Construction code official;

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24. Recreation commission members;
25. Director of public assistance;
26. Lake Topanemus commission members;
27. MRRSA members.

"Officer or employee" means an officer or employee of the borough or of any agency under the authority of or appointed by the borough.

(Prior code § 24-5.4)

### **2.100.050 Ethical standards.**

Officers and employees of the borough shall comply with the following provisions:

- A. No officer or employee of the borough or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest;
- B. No officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or herself or others;
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment;
- D. No officer or employee shall undertake any employment or service, whether compensated or not which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties;
- E. No officer or employee, member of his or her immediate family, or any business organization in which he or she has an interest, shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the officer in the discharge of his or her official duties;
- F. No officer or employee shall use, or allow to be used, his or her public office or employment, or any information not generally available to the members of the public, which he or she receives or acquires in the course of and by reason of his or her office or employment, for the purpose of securing financial gain for himself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer or employee or any business organization in which he or she has an interest shall represent any person or party other than the borough in connection with any cause, proceeding, application or other matter pending before any agency of the borough. This provision shall not be deemed to prohibit an employee from representing another employee where the representation is within the context of official labor union or similar representational responsibilities; nor shall this provision be applicable to the borough public defender with respect to representation of defendants in the municipal court or other clients before any board or agency of the borough;

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- H. No officer shall be deemed in conflict with these provisions if, by reason of his or her participation in the enactments of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him or her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any member of such business, profession, occupation or group;
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given or accepted by the officer or a member of his or her immediate family, whether directly or indirectly, in return therefor;
- J. Nothing shall prohibit any officer or employee of the borough or members of his or her immediate family, from representing himself, herself, or themselves, in negotiations or proceedings concerning his, her or their own interests;
- K. No officer or employee elected or appointed in the borough shall, without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other official or employee or any other person or any property or governmental affairs of the borough;
- L. No officer or employee elected or appointed in the borough shall approve or disapprove or in any way recommend the payment of any bill, voucher or indebtedness owed or alleged owed by the borough in which he or she has a direct or indirect personal, pecuniary or private interest;
- M. No officer or employee elected or appointed in the borough shall request, use or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or the private advantage of himself or any other person. This prohibition shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such public property, vehicle, equipment, material, labor, or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

(Prior code § 2A-5.5)

### **2.100.060 Financial disclosure statements.**

- A. Officers of the borough shall annually file a financial disclosure statement. All financial disclosure statements shall comply with the requirements of the Local Government Ethics Law, P.L. 1991, c. 29 (N.J.S.A. 40:9-22.1 et seq.) on the form provided by the State Department of Community Affairs of Local Government.
- B. The original statement shall be filed with the borough clerk within ninety (90) days after the effective date of the New Jersey Local Government Ethics Law. All subsequent statements shall be filed on or before April 30th of each year.
- C. All financial disclosure statements filed shall be public record.

(Prior code § 2A-5.6)

### **2.100.070 Violations.**

All complaints of violations of this chapter or the Local Government Ethics Law shall be filed and determined by the New Jersey State Local Finance Board until such time as the borough shall establish a municipal ethics board. The State Local Finance Board shall impose penalties for violation consistent with the Local Government Ethics Law.

(Prior code § 2A-5.7)

## **Chapter 2.102 NONDISCRIMINATION AND HARASSMENT POLICY**

Sections:

[2.102.010 Policy adopted.](#)

### **2.102.010 Policy adopted.**

The Freehold Borough Policy Concerning Nondiscrimination and Harassment, a full copy of which is on file in the borough clerk's office, is adopted.

(Ord. 2005/6 § 1)

## **Chapter 2.104 PUBLIC RECORDS**

Sections:

[2.104.010 Inspection and fees.](#)

[2.104.020 Copying by person requesting documents.](#)

[2.104.030 Fee for flood plain certification letter.](#)

[2.104.040 Special service fee.](#)

### **2.104.010 Inspection and fees.**

- A. Inspection of Public Records. Public records of the borough shall be open for inspection by members of the public as provided by law (N.J.S.A. 47:1A-1). Such inspection shall be made only at reasonable times during business hours and without interference to the conduct of the affairs of the office or other place where such records are kept or maintained.
- B. Schedule of Fees. Fees shall be charged for copies of public documents as set forth by New Jersey Statute as amended and supplemented.

(Ord. 2001/21 § 12; prior code § 2-26.1)

### **2.104.020 Copying by person requesting documents.**

Where the document in question is more than one hundred (100) pages in length, the clerk may permit the person requesting copies to use his or her own copying machine, provided that there is no risk of damage or mutilation of the documents and it would not be incompatible with the transaction of public business. Such determination shall be completely within the discretion of the clerk. The fee in such case shall be fifteen dollars (\$15.00) per day.

(Prior code § 2-26.2)

**2.104.030 Fee for flood plain certification letter.**

The fee to be paid by an applicant for a flood plain certification letter from the borough established at five dollars (\$5.00).

(Prior code § 2-26.3)

**2.104.040 Special service fee.**

In accordance with the Open Public Records Act, a special service charge may be charged to requestors whose requests for public documents or information requires extraordinary time and effort. The special service charge for matters involving extraordinary time and effort shall be at an hourly rate, and shall be charged at 24.65 percent of the minimum hourly wage for the lowest paid position that can be assigned to fulfill the request.

(Ord. 2007/4 § 1)

**Chapter 2.108 MUTUAL POLICE AID AGREEMENT**

Sections:

[2.108.010 Authorization.](#)

[2.108.020 Execution.](#)

[2.108.030 Repeal of former agreements.](#)

**2.108.010 Authorization.**

The county-wide mutual police aid compact recommended by the county prosecutor and the borough chief of police and known as "The Monmouth County Mutual Aid Agreement" is authorized and approved.

(Prior code § 2-43.1)

**2.108.020 Execution.**

The mayor and clerk are authorized and requested to sign and deliver the agreement on behalf of the borough.

(Prior code § 2-43.2)

**2.108.030 Repeal of former agreements.**

Upon the effective date of the approved "Monmouth County Mutual Aid Agreement," any and all prior mutual aid agreements for police aid are specifically repealed and terminated.

(Prior code § 2-43.3)

## **Chapter 2.110 COMPUTER POLICY**

Sections:

[2.110.010 Policy adopted.](#)

### **2.110.010 Policy adopted.**

The Freehold Borough Computer Policy, a full copy of which is on file in the borough clerk's office, is adopted.

(Ord. 2005/5 § 1)

## **Chapter 2.112 PERSONNEL SYSTEM**

Sections:

[2.112.010 Personnel policy and procedures manual.](#)

[2.112.020 Residency requirements.](#)

[2.112.030 Effect on current employees.](#)

[2.112.040 Employment of nonresidents.](#)

[2.112.050 Request for lists of certifications of eligible applicants.](#)

### **2.112.010 Personnel policy and procedures manual.**

There is adopted the Freehold Borough Policy and Procedures Manual establishing personnel rules and regulations for all borough officers and employees. The borough clerk shall maintain three copies of this manual in his or her office for review and inspection by all affected officers and employees and the general public. Individual sections of this manual may be amended or deleted and new sections added by resolution of the governing body, provided that copies of these amendments, deletions or additions are posted on the official bulletin board by the borough clerk at least ten (10) days prior to their consideration. Copies of this manual and any revisions thereto shall be provided to all department heads of the borough by the business administrator.

(Prior code § 2-41.1)

### **2.112.020 Residency requirements.**

Except in the case of the borough attorney, borough engineer, borough health officer, borough auditor, borough tax assessor, or any other borough officer or borough employee as may be provided by law, every person holding an office or employed by the borough whose authorities and duties relate only to the borough shall reside within the borough unless the requirement is waived by the mayor and council.

(Ord. 2001/21 § 17; prior code § 2A-1)

**2.112.030 Effect on current employees.**

This chapter shall have no effect upon those individuals who are currently employed by the borough, and are not residents as of the effective date of this chapter.

(Prior code § 2A-2)

**2.112.040 Employment of nonresidents.**

In the event no resident of the borough applies or is eligible for an office or position which the borough seeks to fill, the borough may fill such position or employ a person who is not a resident of the borough and who meets any and all eligibility requirements as may be provided by law.

(Prior code § 2A-3)

**2.112.050 Request for lists of certifications of eligible applicants.**

The clerk of the borough is authorized in conformance with this chapter to request that the New Jersey Department of Civil Service furnish, to the borough, two separate lists of certifications of eligible applicants. One list shall contain residents of the borough and the other shall contain nonresidents of the borough.

(Prior code § 2A-4)

**Chapter 2.113 PARKING ADVISORY COMMITTEE**

Sections:

[2.113.010 Establishment.](#)

[2.113.020 Purpose.](#)

[2.113.030 Organization, membership and terms.](#)

[2.113.040 Powers and duties.](#)

[2.113.050 Meetings.](#)

**2.113.010 Establishment.**

There is hereby established and created a Parking Advisory Committee in the borough of Freehold which shall consist of no less than nine and no more than fifteen (15) members to be appointed by the mayor with the advice and consent of council. All members shall serve in a voluntary capacity without compensation.

(Ord. 2003/15 § 1)

**2.113.020 Purpose.**

The purposes of the Parking Advisory Committee are:

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- A. Review the parking study and recommendations.
- B. Develop recommendations and proposals for alleviating the parking problems in the downtown area.
- C. Serve in an advisory capacity to the mayor and council on issues of parking.
- D. Attract outside interest in addressing the parking issues.

(Ord. 2003/15 § 2 (part))

### **2.113.030 Organization, membership and terms.**

- A. Organization. The committee shall consist of a minimum of nine and a maximum of fifteen (15) members appointed by the mayor with the advice and consent of council.
- B. Membership Classes. Membership shall consist of the following classes:
  - 1. Class I — Chairman to be appointed by the mayor.
  - 2. Class II — One representative from the County of Monmouth.
  - 3. Class III — One representative from the Freehold Center Partnership.
  - 4. Class IV — One representative from the Freehold Borough police department.
  - 5. Class V — At least one member from the downtown business community.
  - 6. Class VI — At least one resident of the borough.
  - 7. Class VII — At least one representative of the mayor and council.
- C. Term, Appointment and Renewal. The term of the members shall be for one year.

(Ord. 2003/15 § 2 (part))

### **2.113.040 Powers and duties.**

The powers of the Parking Advisory Committee shall include but not be limited to:

- A. Create a network of community leaders, private citizens and representatives from public and private agencies to review and make recommendations regarding the parking issues facing the downtown area of Freehold Borough.
- B. Conduct an assessment of the parking needs of the community and develop recommendations on addressing those needs through private/public ventures.
- C. Coordinate projects with the municipality and county to avoid fragmentation and duplication.
- D. Assist the Municipality in acquiring grants and funds to address the parking issues.
- E. Attract and promote public and private partnerships in order to address the parking issues.

(Ord. 2003/15 § 2 (part))

### **2.113.050 Meetings.**

The committee shall meet at least quarterly and more frequently at the committee's sole discretion and report to the mayor and council at least quarterly of its activity and shall make such recommendations periodically as may be necessary to carry out the purpose of this chapter.

(Ord. 2003/15 § 2 (part))

## **Chapter 2.114 HISTORIC PRESERVATION ADVISORY COMMISSION\***

Sections:

[2.114.010 Establishment of a system of historic preservation regulations.](#)

[2.114.020 Purposes.](#)

[2.114.030 Definitions.](#)

[2.114.040 Application of provisions.](#)

[2.114.050 Historic preservation advisory commission.](#)

[2.114.060 Designation of historic properties, historic districts.](#)

[2.114.070 Actions requiring review by the historic preservation advisory commission.](#)

[2.114.080 Procedure for commission's review.](#)

[2.114.090 Historic preservation advisory commission procedures.](#)

[2.114.100 Appeals.](#)

[2.114.110 Penalties.](#)

[2.114.120 Check list.](#)

### **2.114.010 Establishment of a system of historic preservation regulations.**

- A. There is created in and for the borough of Freehold a commission to be known as "the historic preservation advisory commission," referred to in this chapter as "the commission." All members shall serve in a voluntary capacity without compensation.
- B. It is the intention of the Freehold Borough council that the commission will work with and advise the planning board and the zoning board on the effect of development applications on any improvements located in a historic district or designated historic properties. In addition, the commission shall review all projects affecting the exterior of any improvement located in a historic district or a historic property.
- C. This chapter does not require or prohibit any particular architectural style; rather its purpose is to preserve the past by making the past compatible with and relevant to the present. To that end, new construction within a historic district or upon or near a historic property should not necessarily duplicate an exact historic style; however, it must be compatible with and not detract from the historic district or the historic property.
- D. The boundaries of the "Freehold Center historic district" including those improvements located therein are established as an overlay zoning district to the borough of Freehold zoning map. Other historic districts or historic properties may be established from time to time according to the criteria enacted by this chapter.

(Ord. 2005/29 § 1)

**2.114.020 Purposes.**

These historic preservation regulations are intended to effect and accomplish the protection, enhancement and perpetuation of especially noteworthy examples or elements of the borough's environment in order:

- A. To safeguard the heritage of the borough of Freehold by preserving resources within the borough which reflect elements of its cultural, social, economic and architectural history;
- B. To encourage the continued use of historic properties and to facilitate their appropriate use;
- C. To maintain and develop an appropriate and harmonious setting for the historic and architecturally significant buildings, structures, sites, objects, or districts within the borough of Freehold;
- D. To stabilize and improve property values within the historic district and foster civic pride in the built environment;
- E. To promote appreciation of historic properties for education, pleasure and the welfare of the local population;
- F. To encourage beautification and private investment;
- G. To manage change by preventing alteration or new construction not in keeping with the historic district;
- H. To discourage the unnecessary demolition of historic resources;
- I. To recognize the importance of resources located outside of a historic district by designating individual historic properties;
- J. To urge property owners and tenants to maintain their properties in keeping with the requirements and standards of this chapter;
- K. To encourage the proper maintenance and preservation of historic settings and landscapes;
- L. To discourage inappropriate alterations of historic properties;
- M. To enhance the visual and aesthetic character, diversity, continuity and interest in the borough;
- N. To promote the conservation of historic properties and historic districts and to invite and encourage voluntary compliance for all historic resources within Freehold Borough.

(Ord. 2005/29 § 2)

**2.114.030 Definitions.**

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

"Addition" means the construction of a new improvement as part of an existing improvement when such new improvement changes the exterior architectural appearance of any improvement located in a historic district or a historic property.

"Administrative officer" means the person designated by the borough council to handle the administration of historic project review applications as well as the coordination of building permit applications as referenced in this chapter.

"Affecting a historic property or historic district" means any activity, other than painting, which alters the exterior architectural appearance of any improvement or structure located in a historic district or a historic property, including but not limited to demolition, additions, alterations and new construction.

"Alteration" means any work done on any improvement located in a historic district or a historic property which (1) is not an addition to a property or improvement, and (2) constitutes a change in the

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exterior architectural appearance of any improvement in a historic district or a historic property by addition or removal or replacement.

"Building" means a structure created to shelter human activity and any outbuildings or accessory structures associated with a principal structure.

"Demolition" means partial or total razing or destruction of any improvement located in a historic district or of any historic property.

"Design guidelines" means a set of written and graphic standards that govern alterations or additions to any improvement located in a historic district or a historic property including the construction of new structures in a historic district.

"Development" means any man-made or man-caused change to real estate, including but not limited to buildings and other structures.

"Development application" means any application to the planning board, zoning board of adjustment, building department, zoning officer, code office affecting any improvement located in a historic district or a historic property.

"Disrepair" means the condition of being in need of repairs; a structure or building in disrepair.

"Historic district" means a geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of sites, buildings, structures and/or objects which, viewed collectively:

1. Represent a significant period(s) in the development of the borough; or
2. Have a distinctive character resulting from their architectural style; or
3. Because of their distinctive character can readily be viewed as an area or neighborhood distinct from surrounding portions of the borough.

Resources within a historic district shall be classified as key, contributing, or non-contributing, which are defined as:

1. "Key" means any improvements, buildings, structures, accessory structures, sites or objects which, due to their significance, would individually qualify as a historic property.
2. "Contributing" means any improvements, buildings, structures, accessory structures, sites or objects which are integral components of a historic district either because they date from a time period for which the historic district is significant, or because they represent an architectural style, period, or construction method for which the historic district is significant.
3. "Noncontributing" means any improvements, buildings, structures, accessory structures, sites or objects which are not integral components of a historic district because they neither date from a time period for which the historic district is significant, nor represent an architectural style, period, or construction method for which the historic district is significant.

"Historic preservation advisory commission" means the body which, for the purposes of this chapter, acts as the historic preservation commission as cited in the Municipal Land Use Law NJSA 40:55D-1, et seq.

"Historic property(s)" means any improvements, buildings, structures, accessory structures, sites, areas, objects or districts which possess integrity of location, design, setting, materials, workmanship, and association and which have been determined, pursuant to the terms of this chapter to be:

1. Of particular historic significance to the borough of Freehold by reflecting or exemplifying the broad cultural, political, economic, or social history of the nation, state or community; or
2. Associated with the historic personages important in national, state or local history; or
3. The site of a historic event which had a significant effect on the development of the nation, state or community; or

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4. An embodiment of the distinctive characteristics of a type, period, architectural style, method of construction or engineering; or
5. Representative of the work or works of a locally, regionally or nationally important or recognized builder, designer, artist or architect; or
6. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
7. Able or likely to yield information important in prehistory or history.

"Improvement" means any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of not less than one hundred twenty (120) continuous days.

"Object" means a thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature of design, movable yet related to a specific setting or environment.

"Ordinary maintenance" means repairing any deterioration, wear or damage to a structure, or any part thereof, in order to return the same as nearly practicable to its condition prior to the occurrence of such deterioration, wear or damage. Ordinary maintenance shall further include replacement of exterior elements or accessory hardware, including signs, using the same materials and having the same appearance.

"Overlay zone district" means a zoning district made up of underlying zone districts or parts of zone districts as shown on the borough zoning map. An overlay zone district controls certain standards with the exception of bulk and use requirements, which are controlled by the underlying zone district(s).

"Removal" means to partially or completely cause an improvement, building, or object or portion of same to change to another location, position, station or residence.

"Repair" means any work done on any improvement located in a historic district or a historic property which:

1. Is not an addition to the property or improvement; and
2. Does not change the exterior architectural appearance of the property or any improvement.

"Replacement" means repairs affecting the exterior architectural appearance of any improvement located in a historic district or a historic property.

"Site" means the place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural, or archeological significance.

"Structure" means any man-made work arranged in a definite pattern of organization, including but not limited to rooftop structures, communication towers, antennas, satellite dishes and mechanicals.

"Underlying zone district" means a zoning district which forms a constituent part of an overlay zone district. Underlying zone districts control bulk and use requirements.

(Ord. 2005/29 § 3)

### **2.114.040 Application of provisions.**

The following regulations shall apply to all improvements located in a historic district and to all historic properties which are designated in accordance with the procedures outlined in Section 2.114.060 herein.

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- A. Permitted Uses. All uses permitted for any improvements located in a historic district or for a historic property or shall be those designated by the official zoning map and zoning ordinance. Such uses shall not be altered by further designation as a historic district or historic property.
- B. Area and Height Regulations. The maximum building height, minimum lot size, maximum coverage, etc., shall be as provided in the zoning ordinance for the respective zones, except that the planning board or zoning board may grant variances and waivers from such regulations where necessary to preserve historic characteristics.

(Ord. 2005/29 § 4)

### **2.114.050 Historic preservation advisory commission.**

- A. The historic preservation advisory commission shall consist of nine members and two alternates who shall serve without compensation, except that the commission members shall be reimbursed for reasonable and necessary expenses incurred in the performance of official business, including attendance at annual training sessions and/or programs that relate to historic preservation, within the guidelines of the budget established by the borough council for the commission.
- B. The commission positions shall be filled by people who are interested in and qualified to contribute to the preservation of historic buildings, structures, sites, objects and districts. The commission shall represent the following categories:

Class A - Persons who are knowledgeable in building design and construction or in architectural history.

Class B - Persons who are knowledgeable or have a demonstrated interest in local history.

Class C - Persons who are residents of the borough and who hold no other municipal office, position, or employment except for membership on the planning board or zoning board.

There shall be at least one member from each class A and class B; these members may reside outside the municipality. Alternate members shall meet the qualifications of class C members. In making appointments to the commission, recognition should be given to the desirability of having participation from owners of property in the district.

A member of the Freehold Borough Council shall be designated as liaison between the historic preservation advisory commission and the council.

- C. Commission members shall be appointed by the mayor and shall serve for three-year terms, except that of the first members appointed, two members shall serve for one year, two members shall serve for two years, and three other members shall serve for three years. The alternate members shall initially serve two-year terms. The mayor shall designate at the time of appointment the regular members by class and the alternate members as Alternate No. 1 and Alternate No. 2. All members may, at the expiration of their terms, be eligible for appointment to three-year terms. If a commission member is also a planning board or zoning board member, the term of office as a commission member is the same length as the other board position. Vacancies shall be filled in the same manner in which the previous incumbent was appointed and such vacancy appointment shall be only for the balance of the unexpired term.
- D. The commission shall adopt internal rules and procedures for the transaction of its business, subject to the following:
  - 1. The commission shall annually elect from its members a chair and vice-chairperson.
  - 2. A quorum for the transaction of all business shall be four members.
  - 3. All commission minutes and records are public records and all commission meetings shall comply with the Open Public Meetings Act, N.J.S.A. 10:4-7, et seq.

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4. The commission may employ, designate or elect a secretary who need not be a member of the commission. The secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be made public record.
  5. Commission meetings shall be scheduled at least once every month or as often as required to fulfill its obligations to advise the planning board, zoning board or borough council.
  6. No commission member shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest.
  7. A member of the commission may, after public hearing if he or she requests it, be removed by the borough council for cause.
- E. The commission's responsibilities include:
1. To review the Freehold Borough historic sites inventory and, as needed, to update said material to incorporate any newly acquired documentation and to reflect changes to the integrity or condition of a historic resource;
  2. To recommend to the planning board and the borough council any additional sites to be designated as historic properties in accordance with the procedures established in Section 2.114.060 herein;
  3. To recommend to the planning board and the borough council any additional areas to be designated as historic districts in accordance with the procedures established herein;
  4. To conduct research on and, as needed, to nominate any significant historic resources to the state and national register of historic places;
  5. To recommend to the planning board criteria to be used to identify historic properties and to assist in the review of projects affecting the exterior of any improvement in a historic district or a historic property. The planning board may recommend modifications to the criteria and shall make the final decision as to their adoption;
  6. To advise the planning board and zoning board on how development and zoning applications affect historic properties or a historic district in accordance with the procedure established herein;
  7. To review all major actions, including those involving building permit applications, which affect the exterior architectural appearance of any improvements in a historic district or a historic property; to advise the planning board on the determination of said requests in accordance with the procedure established herein;
  8. To review all major actions and applications for actions affecting the exterior architectural appearance of any improvement in a historic district or a historic property and to make recommendations to the planning board, zoning board, building department and code officer in accordance with the criteria outlined herein;
  9. To collect and disseminate material on the importance of historic preservation and techniques for achieving same; to advise all municipal agencies regarding the goals and techniques of historic preservation;
  10. To assist other public bodies in aiding the public in understanding the significance of historic resources and methods of historic preservation;
  11. To advise the borough council on the relative merits of proposals involving public lands to restore, preserve and protect historic buildings, places and structures, including the preparation of a long range plan; therefore securing state, federal and other grants in aid to assist therein and monitoring such projects once underway;
  12. To secure the voluntary assistance of the public, and within the limits of the budget established by the borough council for the historic preservation advisory commission's operation, to retain

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consultants and experts and incur expenses to assist the historic preservation advisory commission in its work;

13. To cooperate with local, county, state or national historic societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this chapter;
14. To request the borough council to seek, on its own motion or otherwise, injunctive relief for violations of this chapter or other actions contrary to the intent and purposes of this chapter;
15. To advise and assist the planning board during the preparation and/or update of the historic preservation element of the master plan;
16. To prepare and distribute design guidelines to be utilized for application reviews and to foster appropriate rehabilitation of any improvements in a historic district and historic properties;
17. To advise and assist property owners and other persons and groups, including neighborhood organizations which are interested in historic preservation;
18. To undertake educational programs, including the preparation of publications aimed at stimulating interest in historic preservation and fostering sensitivity towards historic resources, and the placing of historic markers on places of historic interest;
19. To report at least annually to the borough council on the state of historic preservation in the borough, and recommend measures to improve same;
20. To adopt and promulgate such regulations and procedures, consistent with this chapter as are necessary and proper for the effective and efficient performance of the duties herein assigned;
21. To perform any other lawful activities which shall be deemed necessary to further the purposes of this chapter;
22. To provide the above responsibilities, in an advisory capacity, for historic resources listed in the historic sites inventory, which are located outside of the historic district and are not officially designated as historic properties.
23. To sponsor, promote, coordinate, participate in community events that highlight or promote the historic resources, historic preservation and techniques and the historic significance of the structures and buildings in Freehold Borough. In furtherance of this purpose, the commission may raise funds and charge fees for such events to offset the costs thereof, and to raise funds to achieve the goals of the commission. All fees charged and funds raised by the commission shall be paid to the borough, which shall be earmarked for the use of the commission in furtherance of its goals and purposes. The fee structure for each event must be reviewed and approved by the governing body by resolution.
24. To provide grants for the preservation of historic structures, sites, buildings within the historic district or of significant historical significance, whether within or without the historic district. The commission shall, by resolution, adopt procedures, criteria and guidelines for the issuance of such grants, which procedures, criteria and guidelines must be approved by the governing body by resolution. The procedures, criteria and guidelines shall be kept on file in the borough clerk's office.

(Ord. 2007/21 § 1: Ord. 2005/29 § 5)

(Ord. No. 2012/6, § 1, 3-19-12)

### **2.114.060 Designation of historic properties, historic districts.**

- A. There is established the Freehold Center Historic District as set forth on the map attached hereto and made a part hereof, a copy of which shall be on file in the borough clerk's office. This chapter affects all nonresidential property, all residential rental property and all improvements and buildings

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located in the district. Non-income-producing residential property shall not be subject to the provisions of the chapter. The Freehold Center Historical District is significant for the reasons set forth in the introduction to the ordinance codified in this chapter.

- B. In addition to the improvements, buildings, structures, objects and sites identified as within the Freehold Center historic district, the commission shall recommend additional districts and at the request of the owner, consider for historic property designation, any individual improvements, buildings, structures, objects, and sites within the borough which merit historic property designation and protection, possessing integrity of location, design, setting, materials, workmanship of association and being:
1. Of particular historic significance to the borough of Freehold by exemplifying the broad cultural, political, economic, or social history of the nation, state, or community; or
  2. Associated with historic personages important in national, state, or local history; or
  3. The site of a historic event which had a significant effect on the development of the nation, state, or community; or
  4. An embodiment of the distinctive characteristics of a type, period, architectural style, method of construction or engineering; or
  5. Representative of the work or works of a locally, regionally or nationally important or recognized builder, designer, artist or architect; or
  6. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
  7. Able or likely to yield information important in prehistory or history.
- C. Based on its review or upon the recommendation of other municipal bodies or of concerned citizens, the commission may make a list of additional historic resources recommended for historic property designation. For each historic property, there shall be a brief description of the historic property, of the historic property's significance pursuant to criteria in subsection B of this section, a description of the historic property's location and boundaries, and a map siting. The commission shall, by certified mail:
1. Notify each owner that his or her property is being considered for historic property designation and the reasons therefor;
  2. Advise each owner of the significance and consequences of such designation, and advise him or her of his or her opportunities and rights to challenge or contest such a designation;
  3. Notify each owner of the public meeting to be held in accordance with this chapter.
- D. The list of potential additional historic properties as well as the descriptions, significance, location, boundaries, and map siting of each shall be subject to a review at a commission public hearing. At least ten (10) days before such a hearing, a preliminary list and map showing proposed additional historic properties shall be published, together with notice of the hearing, in an official newspaper of the municipality. At the hearing, interested persons shall be entitled to present their opinions, suggestions and objections on the proposed recommendations for historic property designation. The commission shall then prepare a concise report, including a map and a list of its recommendations for sites to be designated as historic properties. Copies of the report shall be delivered to the borough business administrator, the borough council, the planning board and the borough clerk and a notice of the action published by the commission secretary in an official newspaper of the borough. The published notice shall state the commission's recommendations and also that final designation shall be made by the borough council at a public meeting specified on a date not less than fifteen (15) nor more than forty-five (45) days from the date of publication. The borough council shall then consider the designation list and map, and may approve, reject or modify same by ordinance. Once adopted, the designation list and map may be amended in the same manner it was adopted. Upon adoption, the designation list and map shall also be incorporated by reference into the municipal master plan and zoning or ordinance as required by state enabling legislation.

- E. Copies of the designation list and official map as adopted shall be made public and distributed to all municipal agencies reviewing development applications and building permits. A certificate of designation shall be served by certified and regular mail upon each owner included on the list.

(Ord. 2005/29 § 6)

(Ord. No. 2012/6, § 1, 3-19-12)

**2.114.070 Actions requiring review by the historic preservation advisory commission.**

- A. All permits and development applications involving all development activities that affect any improvement in a historic district or a historic property shall be reviewed by the commission, except as set forth in subsection B of this section. Such review shall be required for, but not limited to, the following actions:
  - 1. Demolition of any improvement located in a historic district or of a historic property;
  - 2. Relocation of any improvement located in a historic district or of a historic property;
  - 3. All changes, other than paint, in the exterior architectural appearance of any improvement located in a historic district or of any historic property by addition, alteration or replacement;
  - 4. Any new construction of an improvement in a historic district;
  - 5. Site plans or subdivisions affecting any improvement located in a historic district or a historic property;
  - 6. Zoning variances affecting any improvement located in a historic district or a historic property.
- B. Review by the commission is not required:
  - 1. When an improvement within a historic district or a historic property requires immediate emergency repair to preserve the continued habitability of the property and/or health and safety of its occupants or others. Emergency repairs may be performed in accordance with the borough codes, without the necessity of first obtaining the commission's review. Under such circumstances, the repairs performed shall only be such that are necessary to maintain the habitability of the building. A request for the commission's review shall be made as soon as possible and no additional work shall be performed upon the building until a historic project review application is made and approved in accordance with the procedures set forth in this chapter. All work done under this section shall conform to the criteria set forth herein and the guidelines for review of applications as adopted by the planning board in accordance with this chapter;
  - 2. For changes to the interior of buildings;
  - 3. For ordinary repairs and maintenance which do not constitute a change to the appearance of the building. The following are the only activities which do not require commission review according to this criteria:
    - a. Repair of existing windows, doors and shutters, using the same materials and design, which will not alter the exterior architectural appearance of the building. Installation of storm windows which are compatible with the architectural period or design of the subject building,
    - b. Maintenance and repair of existing roof material, involving no change in design, scale, material or appearance of the building,
    - c. Repair of existing roof structures, such as cupolas, dormers, and chimneys, using the same materials and design, which will not alter the exterior architectural appearance of the building,

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- d. Replacement in kind of existing shingles, clapboards, or other siding maintaining the architectural integrity of the building,
  - e. Maintenance and repair of existing shingles, clapboards or other siding, using the same materials that are being repaired or maintained,
  - f. Exterior painting of exiting buildings,
  - g. Repairs to existing signs, outdoor displays, fences, walls, street furniture, awnings, off-street driveway and parking materials and sidewalks, using the same materials and design of those items noted above being repaired,
  - h. Development activities other than demolition, alterations, or changes in the exterior architectural appearance of owner-occupied residential improvements.
- C. In the event that the zoning officer or the construction official of the borough of Freehold shall determine that a building permit and/or development application involving any development activity that would affect any improvement in a historic district or a historic property is not needed, then the property owner and/or tenant of the property on which changes, alterations or improvements are proposed to be made shall make application directly to the commission. Such applications shall be made to the commission regarding:
1. All changes in the exterior architectural appearance of any improvement in a historic district or of any historic property by addition, alteration or replacement;
  2. For all changes in the exterior architectural appearance of any improvement in a historic district or of any historic property, the owner or contractor shall submit a historic project review application.

The commission shall hear such applications, employing its procedures used for all other applications, and will render its findings in accordance with those procedures. The findings of the commission, in such cases, shall be enforceable by the municipal construction official.

(Ord. 2005/29 § 7)

### **2.114.080 Procedure for commission's review.**

- A. Procedure for the Commission's Review of Development and Zoning Applications.
1. For all applications presented to the planning board and/or zoning board which affect any improvement within a historic district or a historic property, the property owner shall submit a "historic project review application" to either the planning board or zoning board, as appropriate, along with the request for either board's approval. Such an application shall pertain solely to the proposed site review or zoning request. If building permits are required, these actions will be reviewed separately by the commission in accordance with the procedures outlined herein.
  2. The planning board or zoning board will forward to the commission a complete set of all application materials as well as the historic project review application. The commission shall be allowed at least fourteen (14) days from the day it receives a complete application to prepare its recommendations to either the planning board or zoning board. Said recommendations shall be in the form of a written report which shall be forwarded to the appropriate board. A representative of the commission may also be present at any hearing to provide testimony regarding the application and the commission's recommendations.
  3. The commission's recommendations shall focus on how the proposed undertaking would affect the historic or architectural significance of the subject property as outlined herein. In considering the commission's recommendations, the planning board and zoning board shall be guided by the review criteria established herein.

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4. The commission, through its administrative officer, shall recommend to the planning board or zoning board either the approval with or without conditions or denial of the application and shall explain in writing the reasons for its recommendations. The commission's recommendations shall focus on how the proposed undertaking would affect the historic or architectural significance of the subject property as outlined herein.
  5. In considering the commission's recommendations, the planning board or zoning board shall be guided by the review criteria established herein and shall follow the recommendations of the commission unless for good cause its opinion shall differ. In such a case, the planning board or zoning board shall state its reasons in writing.
  6. Pursuant to N.J.S.A. 40:55D-111, in the case of a minor application for the issuance of a permit pertaining to any improvement in a historic district or a historic property, as defined in the zoning ordinance, the chair of the historic preservation advisory commission may act in place of the full commission for purposes of this section; and, if the ordinance specifies the submission to the planning board of a commission report on a minor application, the ordinance may authorize the chair or a subcommittee of the planning board to act in place of the full board.
- B. Procedure for the Commission's Review of Building Permits and Alterations.
1. Prior to undertaking any action affecting the exterior architectural appearance of any improvement in a historic district or a historic property, the property owner shall complete and submit to the commission's administrative officer a "historic project review application."
  2. If the proposed undertaking requires a building permit, the administrative officer shall notify the applicant that he or she must submit a historic project review application to the historic preservation advisory commission. This includes, but is not limited to, permits for new construction, demolition, alterations, additions, or replacements affecting the exterior architectural appearance of any improvement in a historic district or a historic property.
  3. The commission's administrative officer shall review the application for technical completeness. Any application found to be incomplete shall be returned to the applicant within ten (10) days of receipt of the application.
  4. When an application is found to be technically complete, the administrative officer shall schedule the application to be reviewed at the commission's next regularly scheduled meeting. The applicant shall be notified of the meeting date and shall be allowed all opportunity to speak at the meeting. The commission shall be allowed at least fourteen (14) days from the day it receives a complete application to prepare its recommendations to the construction official. The commission, through its administrative officer, shall recommend to the construction official either the approval with or without conditions or denial of the application and shall explain in writing the reasons for their recommendations. The commission's recommendations shall focus on how the proposed undertaking would affect the historic or architectural significance of the subject property as outlined above in this chapter.
  5. In considering the commission's recommendations, the construction official shall be guided by the review criteria established in this ordinance and shall follow the recommendations of the commission unless for good cause his or her opinion shall differ. In such case, the construction official shall state his or her reasons in writing.
  6. If the proposed undertaking will change the exterior architectural appearance of any improvement in a historic district or of any historic property by addition, alteration, or replacement, but does not require a building permit and/or zoning board or planning board review, the property owner or designated representative shall complete and submit to the commission's administrative officer a historic project review application and the above guidelines shall apply.
- C. In making a recommendation on an application, the commission shall be aware of the importance of considering the current needs of the applicant. The commission shall also recognize the importance of making recommendations that will be reasonable for this applicant to carry out. Before an

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applicant prepares his or her plans, he or she may bring a tentative proposal to the commission for informal review and comment.

- D. Design Standards. The historic preservation advisory committee shall be guided by the following design standards in reviewing all types of applications:
1. Every reasonable effort should be made to provide a compatible use for buildings which will require minimum alteration to the building.
  2. Rehabilitation should not destroy the distinguishing qualities or character of the building. The removal or alteration of any historic material or architectural features should be held to a minimum, consistent with the proposed use.
  3. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of original features.
  4. Distinctive stylistic features or examples of skilled craftsmanship which characterize older buildings and which often predate the mass production of building material should be retained wherever possible.
  5. All buildings should be recognized as products of their own time. Authorization to create an appearance inconsistent with the original character of the building should be discouraged.
  6. Contemporary design for new construction in historic districts and additions to existing buildings or landscaping should not be discouraged if such design is compatible with the size, scale, color, material and character of the historic district, building or environment. It is not the intent of this chapter to encourage new construction which imitates existing buildings of historic or architectural interest or of a certain period or architectural style; but rather to preserve the integrity and authenticity of a historic district and to insure the compatibility of new structures therein.
  7. Consideration shall be given to detrimental impact and the financial hardship on the applicant affected by the application of historic preservation standards, and considering less expensive alternatives when undertaking an alteration, improvement, rehabilitation or restoration of a structure.
  8. Most properties change over time; those changes that have acquired historic significance in their own right should be preserved.
  9. The committee shall be guided by the "Secretary of the Interior's Standards for the Treatment of Historic Properties," United States Department of the Interior, Washington, D.C., as amended and supplemented.
- E. Criteria for Review of Applications. In reviewing an application for its affect on any improvement on a historic district or a historic property, the following criteria shall be used by the historic preservation advisory commission, the planning board and the zoning board.
1. In regard to all applications affecting any improvement in a historic district or a historic property, the following factors shall be considered:
    - a. The impact of the proposed change on the historic and architectural significance of the subject property.
    - b. The property's importance to the municipality and the extent to which its historic or architectural interest would be adversely affected to the detriment of the public interest.
    - c. The use of any property involved.
    - d. The extent to which the proposed action would adversely affect the public's view of an improvement within a historic district or the public's view of a historic property.

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- e. The impact the proposed change would have on the district's architectural or historic significance and the project's visual compatibility with the buildings, places and structures to which it would be visually related in terms of the visual compatibility factors set forth herein.
  - f. The extent to which there would be involvement of textures and materials that could not be reproduced or could be reproduced only with great difficulty or great expense.
2. In regard to an application for new construction, alterations, additions, or replacements affecting any improvement in a historic district or a historic property, the following factors, in addition to subsection (E)(1) above, shall be considered:
- a. Height. The height of the proposed building or structure shall be visually compatible with adjacent buildings.
  - b. Proportion of the Building's Front Facade. The relationship of the width of the building to the height of the front elevations shall be visually compatible with the buildings and places to which it is visually related.
  - c. Proportion of Openings Within the Facade. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
  - d. Rhythm of Spacing of Buildings on Streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with buildings and places to which it is visually related.
  - e. Rhythm of Solids to Voids on Facades Fronting on Public Places. The relationship of solids to voids in such facades of a building shall be visually compatible with buildings and places to which it is visually related.
  - f. Relationship of Materials, Texture and Color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the building to which it is visually related.
  - g. Walls of Continuity. Appurtenances of a building such as walls, open-type fencing, evergreens, landscape masses, serving as cohesive walls of enclosure along a street shall be visually compatible with the main building and places to which it is visually related.
  - h. Exterior Features. A structure's related exterior features such as lighting, fences, signs, sidewalks, driveways, and parking areas shall be compatible with the features of those structures to which it is visually related and shall be appropriate for the historic period for which the structure is significant. New signage shall also abide by any supplemental historic design graphic standards that may be developed by the commission for the district.
3. In regard to an application to demolish any improvement in a historic district or any historic property, the following matters shall be considered:
- a. Its historic, architectural, cultural or scenic significance in relation to the criteria established herein;
  - b. If it is within a historic district, the significance of the building in relation to the historic character of the district and the probable impact of its removal on the district;
  - c. Its potential for use for those purposes currently permitted by the zoning ordinance;
  - d. Its structural condition and the economic feasibility of alternatives to the proposal;
  - e. Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public's interest;
  - f. The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could be reproduced only with great difficulty and expense;



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notice of any special meeting, or of any rescheduled regular meeting, or any reconvened meeting shall be given at least twenty-four (24) hours before each meeting, unless reconvened within twenty-four (24) hours; provided, however, no additional public notice of reconvened meetings need be made where announcement of the time and place of the reconvened meeting is made at the original meeting, and where there is no change in the agenda.

3. Public notice of meetings and hearings shall be given by posting a copy of the notice at the office of the borough clerk, and the commission shall supply copies of the notice of its regular meetings and of any special, rescheduled, or reconvened meeting to such local newspapers of general circulation or local radio or television stations that file an annual request for such notice.
  4. In the event a change is made in a regular meeting date, notice of such change shall be given, according to law, by publication in a newspaper of general circulation in the Freehold area, and notice of such change shall also be posted at the office of the borough clerk.
- C. Records. The commission shall keep minutes of all its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. All records of the commission shall be kept by the secretary at the office of the commission. Public records shall be made available for inspection, but in no instance shall any record be removed from the office unless so directed by court order and accompanied by a representative of the secretary. Photostatic copies of public records may be obtained pursuant to the Open Public Records Act.
- D. Public Meetings.
1. Representation of Parties. Any owner or owners and all persons having a legal and equitable interest in any improvement in a historic district or any property which has been proposed for designation, or is designated, as a historic property, or for which a development application or application for a building permit, has been made to the municipality, may appear in person or be represented by an authorized agent or attorney at any public hearing scheduled by the borough of Freehold historic preservation advisory commission.
  2. Order of Procedure. The order of procedure at all public hearings of the borough of Freehold historic preservation advisory commission shall be as follows:
    - a. Opening of the hearing by the chair;
    - b. Incorporation in the record of the notice of hearing, in accordance with the Open Public Meeting Act of the state of New Jersey;
    - c. Statement by the chair summarizing the items on the agenda for the meeting;
    - d. Approval of minutes of previous meetings;
    - e. Review and approval of resolutions memorializing decisions reached on application at previous meetings;
    - f. Applications that were heard by the commission and carried to the next hearing date shall be heard under "old business";
    - g. Applications not previously heard by the commission shall be heard under "new business":
      - i. Upon calling the case of a new application, the applicant, or the authorized agent or attorney, shall indicate to the commission who will be representing the applicant at the hearing and who will be offering testimony regarding that application,
      - ii. An opening statement will be made by the chair of the commission regarding the application; specifically, what documents and evidence have been submitted to the commission prior to the hearing date,
      - iii. An opening statement will be made by the owner, authorized agent or attorney representing the applicant, setting forth the overall intent of the proposed activities to undertaken on the property in question,

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- iv. Following the opening statement, presentations will be made by the identified witnesses and evidence will be given in support of the proposed activities that directly relate to the property which is the subject of the hearing. Documents and other physical evidence that will be submitted to the commission shall be appropriately designated by the commission secretary, using a consecutive numbering system,
- v. The opportunity to cross-examine such witnesses as may appear in support of the application shall be offered first to members of the commission, and then to members of the public attending the hearing,
- vi. The presentation of evidence in support of the application, and the cross-examination of any witnesses, statements, if any, of other interested persons, either for or against the proposed activities, will be heard by the commission. Such statements shall be limited to such length of time as the commission shall designate,
- vii. Following the submission of statements by other parties, relating to the proposed activities, the applicant, authorized agent or attorney for the applicant, shall deliver an oral summation to the commission,
- viii. Following the presentation of the oral summation, the commission shall enter into deliberations regarding the testimony offered, evidence submitted, and any issues raised by the public or the commission members relating to the activities proposed to be undertaken by the applicant. Based upon these deliberations, the commission shall render a decision either approving or denying the application. In the case of approval, conditions for that approval can be made as a part of the record. In either case, the commission shall, at the following meeting, pass a resolution memorializing its decision and setting forth the testimony offered, evidence entered in the record, findings of fact, and the conclusions reached on the application;
- h. Following the conclusion of all new business to come before the commission, the commission shall take up such other business as may require its attention, including but not limited to: new grant applications, existing grant application projects, seminars, consideration of ordinance changes, consideration of additional historic districts or properties for designation as historic properties, etc.;
- i. Following the discussion of such additional business as noted above, the commission shall open the meeting to receive any comments or questions from the general public as may be in attendance at the meeting;
- j. Following the presentation to the commission by any members of the public, the chair shall declare, upon a motion duly made and seconded, that the meeting be adjourned.

The historic preservation advisory commission may, in its discretion, impose reasonable time limits upon the presentation of evidence and statements. The chair of the commission, at his or her discretion, may alter the order of procedure as circumstances may require and warrant.

3. Witnesses. All testimony offered by witnesses shall be given under oath of affirmation and said testimony may be given by question and answer method or, at the chair's discretion, in statement form. Persons wishing merely to state a position for or against a proposed application need not be placed under oath or affirmation, except as may be directed by the commission chair.
4. Exhibits. Exhibits shall be marked for identification and shall be offered in an orderly fashion. They shall be made available for examination by any and all parties of interest. Leave to file post-hearing exhibits or information may be sought at the hearings, or thereafter in writing, which may be granted by the chair. In the event leave to file post-hearing exhibits or information is granted, copies shall be served upon interested parties or representatives in person, or by United States mail, postage free paid, and by certified return receipt, together with a signed statement that this rule has been complied with, which shall be attached to, or shall accompany, such documents submitted.

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5. Evidence. Hearings shall be conducted in such a manner as shall result in a just and lawful determination of the issues as promptly as circumstances shall permit. The commission shall make determinations as the relevance and materiality of evidence. The commission may require a preliminary statement of the nature of the evidence proposed to be elicited from any witness.
6. Continuances of Hearing. Continuances of hearing shall be granted upon application made in conformity with the provisions and with the period of time set forth in the historic preservation ordinance. Application for continuation of a hearing shall be made by the applicant, authorized agent or attorney representing the applicant, based upon the need to have additional time to sufficiently present evidence offered by witnesses and exhibits submitted to the commission. Additionally, an application for a continuation of hearing shall be considered by the commission if the commission is found to need additional time in which to conduct the deliberations regarding the evidence offered and exhibits submitted by the applicant. Applications for continuation of hearing shall be granted solely at the discretion of the commission hearing the case.
7. Transcript of Hearing. Any party may arrange for the attendance at a hearing of a duly qualified court reporter who shall be in his or her place, prepared to record the proceedings, when the hearing is called to order. Copies of the transcripts of the commission's tape recordings of the proceedings may also be secured from the commission upon payment of the costs and reasonable handling charges, as established by the municipality.
8. Briefs and Oral Arguments. The commission may request the filing of briefs or oral argument, or both, at the conclusion of the hearing or thereafter, on matters of law or fact. Copies thereof, and replies thereto, if requested, shall be served upon all parties. A signed original and ten (10) conformed copies shall be filed with the commission.

(Ord. 2005/29 § 9)

### **2.114.100 Appeals.**

Whenever the commission shall make a final decision pursuant to this chapter, the decision shall be subject to appeal as follows:

- A. To the planning board in matters involving development applications to the planning board;
- B. To the zoning board of adjustment in matters involving applications for demolition, building permits, matters not requiring permits but which affect the exterior architectural appearance of any improvement in a historic district or a historic property, and development applications to the zoning board.

(Ord. 2005/29 § 10)

### **2.114.110 Penalties.**

Any person or entity who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed one thousand two hundred fifty dollars (\$1,250.00), or by a term of imprisonment not to exceed thirty (30) days, or both. Each day that a violation occurred or is committed or continues may constitute a separate offense.

(Ord. 2005/29 § 11)

### **2.114.120 Check list.**

- A. The applicant shall comply with the following checklist:

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1. Required Submittals. The following documents/plans shall be required:

a. For site plan/subdivision:

( )	8 copies of planning board/zoning board materials
( )	Photographs of site and adjacent structures/lots
( )	Proposed building elevations
	Minimum scale 1/8"=1'
( )	Proposed wall sections
	Minimum scale 3/4" = 1'
( )	Property deed

b. For variance:

( )	8 copies of zoning board materials
( )	Photographs of existing structures/site and adjacent structures/lots
( )	Proposed structure elevations
	Minimum scale 1/8"=1'
( )	Proposed wall sections
	Minimum scale 3/4" =1'
( )	Property deed

c. For building permit:

( )	Photograph of existing structure
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Title 2 ADMINISTRATION AND PERSONNEL

( )	Description of materials to be used (samples or support literature required)
( )	Property deed
( )	Sketch of proposed alteration, except where: 10% or more of the building facade is proposed to be altered or when a significant architectural element of the main facade is to be altered or concealed. Significant architectural elements include, but are not limited to: windows, doors, porches, stoops, porticos, cornices, chimneys

In case of the above, the following will be required:

( )	Building elevation(s)
	Minimum scale 1/8" = 1'
( )	Wall section detail
	Minimum scale 3/4" = 1'

- B. The above-required information, along with a completed historic project review application, should be returned to the borough of Freehold municipal building, 51 West Main Street no later than ten (10) days prior to the commission's regularly scheduled meetings. Incomplete applications will not be considered.
- C. A waiver of requirement may be made to the commission by the applicant. Applicant must appear before the commission for formal request of waiver. A majority vote of commission members is required to grant waiver. In the event waiver is not granted, application will be deemed incomplete and will not be heard.

(Ord. 2005/29 § 12)

### Chapter 2.115 RENTAL PROPERTY ADVISORY COMMITTEE

Sections:

[2.115.010 Establishment.](#)

[2.115.020 Purpose, powers and duties.](#)

[2.115.030 Meetings.](#)

[2.115.040 Membership.](#)

**2.115.010 Establishment.**

There is established and created a rental property advisory committee in the borough of Freehold which shall consist of no less than nine and no more than fifteen (15) members to be appointed by the mayor, with the advice and consent of the council. The committee shall always have an odd number of members. All members shall serve in a voluntary capacity without compensation.

(Ord. 2005/23 § 1)

**2.115.020 Purpose, powers and duties.**

The purposes, powers and duties of the rental property advisory committee are:

- A. Review the status of rental housing in the borough with particular emphasis on single-family rental homes;
- B. Preserve the health, safety and welfare of tenants, landlords and the community at large;
- C. Encourage landlords and tenants to restore and maintain structures to the standards defined by the BOCA Code;
- D. Encourage dialogue between the concerns of tenants, landlords and the community regarding problems affecting all residents;
- E. Research all potential solutions, including rent control, to the complex problems in the rental housing market;
- F. Serve in an advisory capacity to the building department, code office and borough council and all other borough departments and offices in an effort to maintain the character of Freehold Borough and preserve the public health, safety and welfare regarding rental housing. The committee shall also make recommendations to the above entities for the development of policies and procedures in general and for programs of formal and informal education that will promote awareness of the housing code, fire and safety issues and all issues affecting rental housing;
- G. The rental property committee shall perform other reviews and investigations that are requested by the mayor and/or council;
- H. Make recommendations to the mayor and council for the protection of the health, safety and welfare of tenants, landlords and the community at large regarding rental housing.

(Ord. 2005/23 § 2)

**2.115.030 Meetings.**

- A. The committee shall meet at least quarterly, shall make an annual report in December to the mayor and council of its activity, and shall make such recommendations periodically as may be necessary to carry out the purposes of this chapter. The chairperson shall call meetings to review applications referred to it so that the committee may act within the time limits set forth in this section.
- B. A quorum shall consist of four members. All meetings shall be open to the public.

(Ord. 2005/23 § 3)

**2.115.040 Membership.**

The committee shall consist of no less than seven and no more than fifteen (15) members who are appointed annually by the mayor, with the advice and consent of the council.

The committee shall consist of a minimum of the following:

- A. Two tenants;
- B. Two landlords;
- C. Two members of the human relations committee;
- D. Two homeowners;
- E. One realtor with knowledge and expertise in Freehold Borough;
- F. One representative of the code enforcement office (nonvoting member).

The mayor shall appoint a chairperson of the committee, who shall be charged with setting the date for the meetings, calling the meetings to order, establishing an agenda for the meetings and maintaining order at the meetings.

(Ord. 2005/23 § 4)

**Chapter 2.116 COMMUNITY INFORMATION ADVISORY COMMITTEE**

Sections:

[2.116.010 Establishment.](#)

[2.116.020 Purpose, powers and duties.](#)

[2.116.030 Meetings.](#)

[2.116.040 Membership.](#)

[2.116.050 Release of information.](#)

**2.116.010 Establishment.**

There is established and created a community information advisory committee in the borough of Freehold which shall consist of no less than five and no more than eleven (11) members to be appointed by the mayor with the advice and consent of the council. The committee shall always have an odd number of members. All members shall serve in a voluntary capacity without compensation.

(Ord. 2007/13 § 1)

**2.116.020 Purpose, powers and duties.**

The purposes, powers and duties of the community information advisory committee are:

- A. To assist in the development of positive communications regarding Freehold Borough, the mayor and council and various other committees and departments;
- B. Implement consistent, regular communication and establish liaisons with heads of other committees, derive input therefrom for production of media releases;

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- C. Produce a vibrant, all-encompassing media kit;
- D. Compose and execute media relations initiatives;
- E. Work with local realtors to compose and disseminate consistent positive image and marketing for Freehold;
- F. Encourage increased resident and business participation in Freehold Borough events, activities and committees;
- G. Recruit and retain new residents and solidifying community interest;
- H. Make recommendations to the mayor and council for enhanced communication and image development.

(Ord. 2007/13 § 2)

### **2.116.030 Meetings.**

- A. The committee shall meet at least quarterly, and report to the mayor and council annually of its activity, and shall make such recommendations periodically as may be necessary to carry out the purposes of this chapter. The chairperson shall call meetings to implement the goals of the committee.
- B. A quorum shall consist of three members. All meetings shall be open to the public.

(Ord. 2007/13 § 3)

### **2.116.040 Membership.**

The committee shall consist of no less than five and no more than eleven (11) members who are appointed annually by the mayor with the advice and consent of council.

The committee shall consist of a minimum of three residents and may include Freehold business owners or operators, realtors with knowledge and expertise in Freehold Borough and persons with expertise in public relation and with knowledge and expertise in Freehold Borough.

The committee shall elect a chairperson of the committee, who shall be charged with setting the date for the meetings, calling the meetings to order, establishing an agenda for the meetings and maintaining order at the meetings.

(Ord. 2007/13 § 4)

### **2.116.050 Release of information.**

The committee shall not publish or circulate outside of the committee, any communication, media release, brochure, publication, story, or recommendation without the prior consent of the mayor and council or its designee.

(Ord. 2007/13 § 5)

## **Chapter 2.120 NEIGHBORHOOD PRIDE COMMITTEE <sup>[3]</sup>**

Sections:

[2.120.010 Establishment.](#)

[2.120.020 Purpose, powers and duties.](#)

[2.120.030 Meetings.](#)

[2.120.040 Membership.](#)

[2.120.050 Activities/coordinate with borough.](#)

### **2.120.010 Establishment.**

There is hereby established and created a Neighborhood Pride Committee ("NPC") in the Borough of Freehold which shall consist of no less than five members to be appointed by the mayor with the advice and consent of the council. The committee shall always have an odd number of members. All members shall serve in a voluntary capacity without compensation.

(Ord. No. 2008/14, § 1, 8-4-08)

### **2.120.020 Purpose, powers and duties.**

The purposes, powers and duties of the neighborhood pride committee are:

- A. Mission Statement. By working closely with community members and utilizing all available financial, human and in kind resources, the committee will identify areas in need of enrichment, repair or beautification in Freehold Borough, and offer practical solutions and improvement by means of thoughtful community activism, positive social discourse and neighborhood empowerment strategies, resulting in a strengthening of community spirit, enhancing of public safety, and upholding of property values.
- B. Implement consistent, regular communication and establish liaison with heads of other committees, such as, but not limited to, the human relations committee, who may assist in the undertakings of the neighborhood pride committee.
- C. Outreach to the community, ask citizens to identify their concerns so that the NPC can efficiently and effectively address those priorities.
- D. Identify neighborhood leaders and ask them to point out specific concerns that will be addressed by the NPC.
- E. Establish a plan and method to encourage residents to paint and maintain their homes, mow their lawns, take out the trash in a timely fashion and bring in trash cans promptly, watch out for their neighbors, and care about the look and feel of their entire neighborhood. The committee hopes to help residents take pride in their streets and understand that our neighborhoods are the soul of our community and residents expect them to be safe, clean, and free of blight.
- F. The NPC shall work with residents, neighborhood associations, and local businesses to build better neighborhoods identifying safety and health hazards, finding code problems, and helping families find answers and resources to fix those problems.
- G. Encourage increased resident and business participation in Freehold Borough events, activities and committees.
- H. Recruit and retain new members, solidifying community interest.
- I. Promote year-round education and activities throughout the community such as promoting bicycle safety to children in each neighborhood; encouraging residents to make sure their property is in compliance with codes; educating residents about property maintenance and other items which can detract from the quality of life in the neighborhood such as barking dogs,

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trash left out on the street or curb, broken windows, doors and shutters not secured so that they slam in the wind, disturbing neighbors; clearly marking house numbers for easy identification by emergency responders.

- I. Make recommendations to the mayor and council for programs, activities, revised ordinances and other action to accomplish the mission of the NPC.

(Ord. No. 2008/14, § 2, 8-4-08)

### **2.120.030 Meetings.**

- A. The committee shall meet at least quarterly, and report to the mayor and council annually of its activity, and shall make such recommendations periodically as may be necessary to carry out the purposes of this chapter. The chairman shall call meetings to implement the goals of the committee.
- B. A quorum shall consist of three members. All meetings shall be open to the public.

(Ord. No. 2008/14, § 3, 8-4-08)

### **2.120.040 Membership.**

The committee shall consist of no less than five members who are appointed annually by the mayor with the advice and consent of council.

The committee shall consist of a minimum of three residents and may include Freehold business owners or operators, landlords, realtors with knowledge and expertise in Freehold Borough and persons with knowledge and expertise in landscaping, tree care, general contracting, painting and maintenance.

The mayor shall appoint the chairman of the committee, who shall be charged with setting the date for the meetings, calling the meetings to order, establishing an agenda for the meetings and maintaining order at the meetings. The committee may select a secretary to keep notes of the meetings.

(Ord. No. 2008/14, § 4, 8-4-08)

### **2.120.050 Activities/coordinate with borough.**

- A. The committee shall not undertake any neighborhood pride cleanup or activity without the prior consent of the mayor and council or its designee. The committee shall keep the borough administrator advised of its activities and plans on a regular basis.
- B. Prior to determining a neighborhood or area to be the focus of the NPC, the committee shall discuss same with the borough administrator in order to identify and coordinate any public service activity, such as street paving, sidewalk replacement, shade tree work or similar activity.
- C. The borough administrator will advise the NPC of any public works activity planned to be undertaken by the borough.
- D. The NPC shall present all neighborhood pride undertakings to the mayor and council for review and approval.

(Ord. No. 2008/14, § 5, 8-4-08)

FOOTNOTE(S):

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--- (3) ---

**Editor's note**—Ord. No. 2008/14, §§ 1—5, adopted Aug. 4, 2008, did not specifically amend the Code therefore, said provisions have been included as ch. 2.120, §§ 2.120.010—2.120.050, at the editor's discretion, as set out herein.[\(Back\)](#)

## **Chapter 2.124 RCA ADMINISTRATOR <sup>14</sup>**

Sections:

[2.124.010 Purpose.](#)

[2.124.020 Definitions.](#)

[2.124.030 Establishment of RCA administrator position and compensation; powers and duties.](#)

### **2.124.010 Purpose.**

The purpose of this article [chapter] is to create the administrative mechanisms needed for the execution of Freehold Borough's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

(Ord. No. 2008/16, § 1, 9-15-08)

### **2.124.020 Definitions.**

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

"Administrative agent" means the entity responsible for administering the affordability controls of some or all units in the affordable housing program for Freehold Borough to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

"RCA administrator" means the employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Freehold Borough.

(Ord. No. 2008/16, § 2, 9-15-08)

### **2.124.030 Establishment of RCA administrator position and compensation; powers and duties.**

- A. Establishment of Position of RCA Administrator. There is hereby established the position of RCA administrator for Freehold Borough.
- B. Subject to the approval of the council on affordable housing (COAH), the RCA administrator shall be appointed by the governing body and may be a full- or part-time employee.

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- C. The RCA administrator shall be responsible for oversight and administration of the RCA and the RCA affordable housing program for Freehold Borough, including the following responsibilities which may not be contracted out:
1. Serving as Freehold Borough's primary point of contact for all RCA inquiries from the state, affordable housing providers, administrative agents, and interested households;
  2. Establishing an escrow account for the RCA funds and submitting to COAH a signed escrow agreement between the Freehold Borough, the bank and COAH for each RCA;
  3. Monitoring the status of all restricted units in Freehold Borough's Project Plan;
  4. Compiling, verifying, and submitting semi-annual reports as required by COAH;
  5. Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
  6. Attending continuing education opportunities as offered or approved by COAH.
- D. Subject to approval by COAH, Freehold Borough may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of Freehold Borough, except for those responsibilities which may not be contracted out pursuant to subsection C. above. If Freehold Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the RCA administrator shall supervise the contracting administrative agent.
- E. Compensation shall be fixed by the governing body at the time of the appointment of the RCA administrator.

(Ord. No. 2008/16, § 3, 9-15-08)

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FOOTNOTE(S):

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--- (4) ---

**Editor's note**—Ord. No. 2008/16, §§ 1—3, adopted Sept. 15, 2008, did not specifically amend the Code therefore, said provisions have been included as ch. 2.124, §§ 2.124.010—2.124.030, at the editor's discretion, as set out herein.[\(Back\)](#)

**Chapter 2.128 RESERVED** <sup>[5]</sup>

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FOOTNOTE(S):

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--- (5) ---

**Editor's note**—Ord. No. 2013/13, § 1, adopted Oct. 7, 2013, repealed Ch. 2.128 in its entirety. Former Ch. 2.128, §§ 2.128.010—2.128.040, pertained to Freehold Center Core Redevelopment Plan (FCC) and derived from Ord. No. 2008/20, §§ I—VI, adopted Dec. 1, 2008. See Ch. 18.07 for similar provision.[\(Back\)](#)

## **Chapter 2.132 REGISTRAR OF VITAL STATISTICS** [\[6\]](#)

Sections:

[2.132.010 Fee schedule.](#)

### **2.132.010 Fee schedule.**

Pursuant to N.J.S.A. 26.8-25, the following fee schedule is hereby established for certified copies of any registrar documents:

Certified copy of birth, marriage, civil union and domestic partnership certificates .....\$15.00

Correction of record of birth, marriage, civil union and domestic partnership .....15.00

(Ord. No. 2009/11, 7-6-09; Ord. No. 2012/18, § 1, 12-17-12)

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FOOTNOTE(S):

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--- (6) ---

**Editor's note**—Ord. No. 2009/11, adopted July 6, 2009, did not specifically amend the code; therefore, these provisions have been included as herein set out, at the editor's discretion.[\(Back\)](#)

## **Chapter 2.136 CITIZEN SERVICE ACT** [\[7\]](#)

Sections:

[2.136.010 Intent and purpose.](#)

[2.136.020 Definitions.](#)

[2.136.030 Registry of appointed municipal positions.](#)

[2.136.040 Vacancies.](#)

[2.136.050 Filling vacancies.](#)

[2.136.060 Application for citizen service.](#)

[2.136.070 Applications public record.](#)

[2.136.080 Filing applications.](#)

[2.136.090 Maintaining applications.](#)

[2.136.100 Filling voluntary municipal positions.](#)

[2.136.110 Vacancy/attendance.](#)

### **2.136.010 Intent and purpose.**

The purpose of this chapter is to foster the openness of government and provide citizens with information concerning the various appointed municipal positions which exist within Borough of Freehold. The chapter further provides for a procedure whereby a citizen can indicate his or her desire to serve in a particular appointed position.

(Ord. No. 2010/5, § 1(1-1.1), 3-15-10)

### **2.136.020 Definitions.**

The following terms as used in this chapter shall have the meaning set forth below unless the context within which the term is used clearly provides for a different meaning:

"Appointing authority" means the official or body which by virtue of statutory law or by ordinance or resolution is given the authority to appoint a person to hold a particular appointed municipal position.

"Appointed municipal position" means any appointed position within the borough government, which is created either by statutory law or by ordinance or resolution. Examples of such positions are municipal historian, member of any board, commission, agency, council or committee of the municipality.

(Ord. No. 2010/5, § 1(1-1.2), 3-15-10)

### **2.136.030 Registry of appointed municipal positions.**

The borough clerk shall cause a register of appointed municipal positions to be prepared and maintained. It is the intent that the register be made available on the borough's website and at the borough hall and shall set forth at least the following:

- A. Title of each appointed municipal position;
- B. Brief description of the positions' powers, duties and obligations;
- C. Any special credentials or qualifications required to hold the position;
- D. The length of term for the position;
- E. The name of the person(s) currently holding the position, the expiration date of his or her or their terms, and the number of vacant seats on the board or commission;
- F. The dates/times and frequency of any meetings which the holder of the position must attend, if so established; and
- G. The appointing authority for each board or commission, and who confirms each appointment.

(Ord. No. 2010/5, § 1(1-1.3), 3-15-10)

**2.136.040 Vacancies.**

The borough clerk shall maintain a listing, updated monthly, of all existing vacancies for each appointed municipal position within the municipality. Such list shall be made available free of charge at the municipal clerk's office and shall, in addition, be posted by the municipal clerk on a bulletin board maintained for public announcements in the municipal building and on the borough's website.

(Ord. No. 2010/5, § 1(1-1.4), 3-15-10)

**2.136.050 Filling vacancies.**

Unless essential for the proper functioning and/or carrying on of business of the local agency upon which the vacancy has occurred, a vacancy shall not be filled for a period of thirty (30) days from its posting in order to allow interested persons time to submit applications as provided in Section 2.136.060 below.

(Ord. No. 2010/5, § 1(1-1.5), 3-15-10)

**2.136.060 Application for citizen service.**

The borough clerk shall maintain an application form to be completed by any person interested in serving in an appointed municipal position. Such application shall, at a minimum, contain the following information:

- A. Name;
- B. Address;
- C. Telephone number;
- D. E-mail address;
- E. Appointed municipal position(s) sought;
- F. Qualifications/experience for position(s);
- G. List of boards and commissions for applicant to indicate desired boards and commissions to serve on; and
- H. Signature.

(Ord. No. 2010/5, § 1(1-1.6), 3-15-10)

**2.136.070 Applications public record.**

An application for citizen service filed for appointment to an appointed municipal position shall be deemed a public record. A person applying shall have their street address, telephone number and email kept confidential.

(Ord. No. 2010/5, § 1(1-1.7), 3-15-10)

**2.136.080 Filing applications.**

Any person interested in serving in an appointed municipal position may file an application for such position with the borough clerk. Such application(s) may be filed at any time, whether or not the appointed municipal position sought is vacant. A person may withdraw his or her application at any time.

(Ord. No. 2010/5, § 1(1-1.8), 3-15-10)

**2.136.090 Maintaining applications.**

The borough clerk shall maintain all filed applications in a file or binder, segregated for each appointed entity.

(Ord. No. 2010/5, § 1(1-1.9), 3-15-10)

**2.136.100 Filling voluntary municipal positions.**

Prior to filling any appointed municipal position, the appropriate appointing authority shall review each application filed for that position. Each person having submitted an application for an appointed municipal position under consideration to be filled shall be notified of said vacancy. The appointing authority shall conduct such review, investigation and/or interviews as the appointing authority deems necessary or advisable, in its discretion. After a decision is reached to fill a vacant appointed municipal position, all those who had submitted an application for that position shall be notified of the appointing decision.

Any volunteer currently serving on a committee, board, commission or other appointed entity shall not be required to submit an application in order to continue service or to be reappointed to the same appointed entity at the expiration of the current term.

(Ord. No. 2010/5, § 1(1-1.10), 3-15-10)

**2.136.110 Vacancy/attendance.**

In the case of a member of a board, committee, commission, authority or other agency, whenever the member, without being excused by a majority of the quorum, (which excusal shall not be unreasonably withheld), fails to attend and participate at meetings of such body for a period of eight consecutive weeks or four consecutive regular meetings, whichever shall be of longer duration, shall be deemed to have resigned from that body, in which case a vacancy shall exist.

The chairperson of the board, committee, commission, authority or other agency shall notify the mayor and council of such determination of resignation/vacancy within fourteen (14) days so that the vacancy may be filled.

(Ord. No. 2010/18, § 1, 11-15-10)

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FOOTNOTE(S):

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--- (7) ---

**Editor's note**—Ord. No. 2010/5, §§ 1(1-1.1—1-1.10), adopted March 15, 2010, did not specifically amend the Code; therefore, said provisions have been included as Ch. 2.136, at the editor's discretion. [\(Back\)](#)

## **Chapter 2.140 PAY-TO-PLAY**

Sections:

[2.140.010 Definitions.](#)

[2.140.020 Prohibition on awarding public contracts to certain contributors.](#)

[2.140.030 Contributions made prior to the effective date.](#)

[2.140.040 Contract renewal.](#)

[2.140.050 Contribution statement by business entity.](#)

[2.140.060 Return of excess contributions.](#)

[2.140.070 Exemptions.](#)

[2.140.080 Penalty.](#)

### **2.140.010 Definitions.**

As used in this chapter:

A. "Campaign committee" means:

1. Every candidate for Freehold Borough elective municipal office;
2. Every candidate committee established by or for the benefit of a candidate for Freehold Borough elective municipal office;
3. Every joint candidate committee established in whole or in part by or for the benefit of a candidate for Freehold Borough elective municipal office;
4. Every political party committee of Freehold Borough.

The terms in the foregoing paragraphs have the meaning prescribed in N.J.A.C. 19:25-1.7.

B. "Contribution" has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.

C. "Contract for professional or extraordinary services" means all contracts for "professional services" and "extraordinary unspecifiable services" as such term is used in N.J.S.A. 40A:11-5.

D. "Business entity" whose contributions are regulated by this chapter means:

1. An individual including the individual's spouse, and any child/children;
2. A firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity;
3. Any person who owns ten (10) percent or more of the equity or ownership or income interests in a person or entity as defined in subsections 1. and 2. above and their spouses and child/children;
4. All partners or officers of such an entity, in the aggregate, and their spouses and child/children;

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5. Any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph 1. above, more than one hundred thousand dollars (\$100,000.00) in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve-month period prior to the award of, or during the term of, a contract subject to this chapter; and
6. All persons who are an "affiliate" of a business entity as defined in subsections 1., 2. and 5. above, as such term is used in 11 U.S.C. 101(2).

(Ord. No. 2013/14, § 1, 10-7-13)

### **2.140.020 Prohibition on awarding public contracts to certain contributors.**

- A. To the extent that it is not inconsistent with state or federal law, the Borough of Freehold and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "professional services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "extraordinary unspecified services") from any business entity if such business entity has solicited or made any contribution to:
  1. A candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Freehold Borough or a holder of public office having ultimate responsibility for the award of a contract, or
  2. To any Freehold Borough political committee or political party committee, in excess of the thresholds specified herein within one calendar year immediately preceding the date of the contract or agreement.
- B. No business entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Freehold Borough or any of its departments or instrumentalities, for the rendition of professional services or extraordinary unspecified services shall knowingly solicit or make any contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Freehold Borough or a holder of public office having ultimate responsibility for the award of a contract, between the time of first communication between that business entity and the municipality regarding a specific agreement for professional services or extraordinary unspecified services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.
- C. The monetary thresholds of this chapter are: (i) a maximum of two hundred fifty dollars (\$250.00) per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or five hundred dollars (\$500.00) per calendar year to any joint candidates committee for mayor or governing body, or two hundred fifty dollars (\$250.00) per calendar year to a political committee or political party committee of the Freehold Borough. However, for each business entity party to a contract for professional or extraordinary unspecified services as defined in subparagraph A., or engaged in negotiations for a contract defined in subparagraph A., when such business entity's contribution is aggregated with all "persons" defined in subparagraph D. of [Section 2.140.010] definitions above, by virtue of their affiliation to that business entity party, a maximum of two thousand five hundred dollars (\$2,500.00) to all Freehold Borough candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for

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the award of a contract, all political committees and political party committees as described herein combined, without violating subsection A. of this section.

- D. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
1. The Freehold Borough Mayor or governing body, if the contract requires approval or appropriation from the mayor or governing body, or
  2. The Mayor of Freehold Borough if the contract requires approval of the mayor, or if a public officer who is responsible for the award of a contract is appointed by the mayor.
- E. Rules Regarding Subcontractors. No person may be awarded a subcontract to perform under a contract subject to this chapter, if the subcontractor would be disqualified by paragraph A. from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph A. from receiving the contract perform substantially all of [the] obligations described in a contract for professional or extraordinary services that is subject to this chapter.

(Ord. No. 2013/14, § 2, 10-7-13)

### **2.140.030 Contributions made prior to the effective date.**

No contribution or solicitation of contributions made prior to the effective date of this chapter shall be deemed to give rise to a violation of this chapter.

(Ord. No. 2013/14, § 3, 10-7-13)

### **2.140.040 Contract renewal.**

No contract subject to this chapter may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this chapter if it were an initial contract.

(Ord. No. 2013/14, § 4, 10-7-13)

### **2.140.050 Contribution statement by business entity.**

- A. Prior to awarding any contract or agreement to procure professional services or extraordinary unspecified services from any business entity, Freehold Borough or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said business entity which is the intended recipient of said contract that he/she/it has not made a contribution in violation of Section 2.140.010 of this chapter. Freehold Borough, its purchasing agents and departments shall be responsible for informing the mayor and council that the aforementioned sworn statement has been received and that the business entity is not in violation of this chapter, prior to awarding the contract or agreement.
- B. A business entity shall have a continuing duty to report to Freehold Borough any contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. Freehold Borough, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the business entity, or at the next meeting of the governing body following receipt of said report from the business entity, or whichever comes first.
- C. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Freehold Borough or prior to the provision of services or goods, as the case may

be, and shall be in addition to any other certifications that may be required by any other provision of law.

(Ord. No. 2013/14, § 5, 10-7-13)

**2.140.060 Return of excess contributions.**

A business entity that is a party to a contract for professional services or extraordinary unspecified services may cure a violation of Section 2.140.010 of this chapter, if, within thirty (30) days after the date on which the applicable ELEC report is published, said business entity notifies the municipality in writing and seeks and receives reimbursement of the contribution from the recipient of such contribution.

(Ord. No. 2013/14, § 6, 10-7-13)

**2.140.070 Exemptions.**

The contribution limitations prior to entering into a contract in Section 2.140.010A. do not apply to contracts which:

- A. Are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4, or
- B. Are awarded in the case of emergency under N.J.S.A. 40A:11-6.

There is no exemption for contracts awarded pursuant to a "fair and open process" under N.J.S.A. 19:44A-20 et seq.

(Ord. No. 2013/14, § 7, 10-7-13)

**2.140.080 Penalty.**

- A. It shall be a material breach of the terms of a Freehold Borough agreement or contract for professional services or extraordinary unspecified services when a business entity that is a party to such agreement or contract has:
  - 1. Made or solicited a contribution in violation of this chapter;
  - 2. Knowingly concealed or misrepresented a contribution given or received;
  - 3. Made or solicited contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;
  - 4. Made or solicited any contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Freehold Borough or a holder of public office having ultimate responsibility for the award of a contract, or any Freehold Borough;
  - 5. Engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the professional business entity itself, would subject that entity to the restrictions of this chapter;
  - 6. Funded contributions made by third parties, including consultants, attorneys, family members, and employees;
  - 7. Engaged in any exchange of contributions to circumvent the intent of this chapter; or
  - 8. Directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this chapter.

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- B. Furthermore, any business entity that violates subsections 2.140.080.A.1—8. shall be disqualified from eligibility for future Freehold Borough contracts for a period of four calendar years from the date of the violation.
- C. Any person who knowingly, purposely, or recklessly violates any provision of this chapter, or who conspires with another person to violate any provision of this chapter, or who, with the purpose of promoting or facilitating a violation of this chapter, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of Freehold Borough.

(Ord. No. 2013/14, § 7[8], 10-7-13)