

**ORDINANCE 2017-01**

**ORDINANCE OF THE BOROUGH OF BELMAR DELETING ARTICLE II CATS OF  
THE REVISED GENERAL ORDINANCES**

**WHEREAS**, the Borough of Belmar wishes to amended Chapter 22 by deleting ARTICLE II – CATS.

**WHEREAS**, sections 22-14 Definitions, 22-15 Provisions Relating to Rabies Vaccination of Cats, and 22-16 Licensing Requirements shall be deleted in their entirety.

**SECTION I.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION II.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION III.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**ORDINANCE 2017-02**

**ORDINANCE OF THE BOROUGH OF BELMAR, AMENDING FEES IN VARIOUS CHAPTERS OF THE REVISED GENERAL ORDINANCES**

**WHEREAS**, the Borough of Belmar wishes to amended various chapters and sections of the Revised General Ordinances as follows:

**SECTION I.**

27-1.2 Application for Permit; Fee.

Written application shall be made to the Borough Clerk and shall contain the following information:

- a. The name of the street where the opening is to be made.
- b. The house number and the Borough tax map lot and section number of the property.
- c. The purpose for which the opening is to be used.
- d. The nature of the surface of the street in which the opening is to be made.

The Borough Clerk may issue a permit if he or she finds the same to be in order. The fee for every application shall be set by resolution of the Mayor and Council. ~~ten (\$10.00) dollars.~~

27-2.8 Fees.

~~A fee of twenty-five (\$25.00) dollars for the first fifty (50) linear feet or less of sidewalk, curb, curb cut or driveway or street to be altered and fifteen (\$15.00) dollars for each additional fifty (50) feet or fraction thereof shall accompany an application for a permit under this section. Fees shall be set by resolution of the Mayor and Council and shall remain in effect until superseded by a new resolution of the Mayor and Council.~~

33-5 USE OF PORTABLE STORAGE UNITS AND DUMPSTERS WHICH REQUIRES A PERMIT

- d. If any of the foregoing conditions are met, the property owner shall apply for a permit, on the prescribed permit application form, submit a permit fee to be set by resolution of the Governing Body ~~twenty-five (\$25.00) dollars~~ and be issued a permit prior to placing the portable storage unit and/or dumpster on the property, and shall be subject to the following additional regulations:

4-4 DIVISION OF TREASURY; FUNCTIONS.

~~g. Fees for Items with Borough of Belmar Insignia. The following fees shall be charged for the purchase of items with the Borough of Belmar insignia or similar markings:~~

~~1. Borough of Belmar Flags:~~

<del>-</del>	<del>Flag-Size</del>	<del>Fee</del>
<del>-</del>	<del>3 feet x 5 feet</del>	<del>\$60.00</del>
<del>-</del>	<del>2 feet x 3 feet</del>	<del>\$50.00</del>

**8-3 DEPARTMENT OF RECREATION FEES**

- a. The fees for Recreation Programs shall be set by resolution of the Mayor and Council.
- b. No fees shall be pro-rated nor any part thereof refunded for any reason.
- c. Fees set by resolution shall remain in effect until superseded by a new resolution of the Mayor and council

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**ORDINANCE NO. 2017-03**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX  
(TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR, SECTIONS 19-46  
HANDICAPPED PARKING SPACES**

**THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XIX Traffic, Section 19-46.2 Handicapped Parking Limited to Specific Persons in Front of Certain Residences of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

**SECTION I.      19-46.2      Handicapped Parking Limited to Specific Persons in Front of Certain Residences.**

In accordance with the provisions of N.J.S.A. 39:4-197, the following on street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special vehicle identification cards or plates or placards by the Motor Vehicle Commission or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

The following section shall be added:

<u>ADDRESS</u>	<u>#SPACES</u>	<u>SIDE</u>	<u>LOCATION</u>
606 12 <sup>th</sup> Avenue	1	North	Beginning 96 feet from the western curb line of E Street.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**ORDINANCE NO. 2017-04**

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED  
GENERAL ORDINANCE CHAPTER 31: "ENVIRONMENT AND NATURAL  
RESOURCES" TO ADD SECTION 31-5 "RELEASE OF BALLOONS"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 31 of the Borough's Revised General Ordinances is hereby amended to include the following new Section 31-5: Release of Balloons:

**31-5 RELEASE OF BALLOONS**

**31-5.1 Purpose and Intent.**

This article is adopted in order to protect the environment, particularly the wildlife, and the health, safety and well-being of persons and property by prohibiting the release of helium balloons into the atmosphere, including latex and Mylar, as it has been determined that the release of balloons inflated with lighter-than-air gases pose a danger and nuisance to the environment, particularly to wildlife and marine animals so as to constitute a public nuisance and may pose a threat to the safety of its habitants and their property

**31-5.2 Prohibited Releases.**

It shall be unlawful for any person, firm or corporation to intentionally release, organize the release, or intentionally cause to be released balloons inflated with a gas that is lighter than air within the Borough of Belmar, except for:

- (a) Balloon released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
- (b) Hot air balloons that are recovered after launching;
- (c) Balloons released indoors .

**31-5.3 Violations and Penalties.**

Any person found in violation is guilty of a non-criminal infraction punishable by a fine not to exceed the sum of \$500.00.

**BE IT FURTHER ORDAINED** that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

**BE IT FURTHER ORDAINED** that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.

**ORDINANCE NO. 2017-05**

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED  
GENERAL ORDINANCE CHAPTER 29: "WATER-SEWER UTILITY" TO ADD  
SECTION 29-9.4 "GREASE DISCHARGE ABATEMENT"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 29 of the Borough's Revised General Ordinances is hereby amended to include the following new Section 29-9.4: Grease Discharge Abatement:

**29-9.4 GREASE DISCHARGE ABATEMENT.**

**(a) Scope and Purpose.**

The scope and purpose of this section is to aid in the prevention of sanitary sewer blockages and obstructions due to contributions and accumulation of fats, oils, and greases into the sanitary sewer system of the Borough of Belmar from nonresidential food preparation and service facilities.

**(b) Definitions.**

As used in this section:

*Eating and drinking food establishment* shall mean any nonresidential facility connected to the Borough sanitary sewer system primarily or regularly engaged in the activity of preparing, serving or otherwise making available for consumption foodstuffs, including ice cream, or one that uses one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

*Grease* shall mean an organic foodstuff component and/or byproduct from the preparation thereof, which is viscous at room temperature and non-water soluble, and commonly referred to as fat, oil or grease.

*Grease trap* shall mean a device for intercepting, separating and retaining waterborne grease prior to the wastewater exiting the device and entering the sanitary sewer system.

*Sanitary sewer system* shall mean and refer to the sanitary system of the Borough of Belmar.

*Seasonal eating and drinking food establishment* shall mean any eating and drinking food establishment that operates six (6) months or less in any calendar year.

**(c) Restrictions and Regulations for Grease Traps.**

- (1) *Installation.* All eating and drinking food establishments shall install a grease interceptor capable of preventing discernable accumulations of grease in the sanitary sewer system of the Borough and/or connecting wastewater lines from said establishment. The specifications, installation and repair of all grease interceptors shall be approved by the Plumbing Subcode Official of the Borough.
- (2) *Responsibility.* Owners of commercial property will be held responsible for wastewater discharges on their properties and will be responsible for any penalties for any discharge of grease into the sanitary sewer system in violation of the Borough's Revised General Ordinances.
- (3) *Maintenance/Records.* Eating and drinking food establishments shall establish a grease interceptor maintenance schedule based upon the size and nature of the individual operation. That schedule shall be of sufficient frequency to prevent the interceptor from becoming overloaded with grease and solids and shall prevent the discharge of grease and solids into the downstream piping and sanitary sewer system. In any event, an eating and drinking food establishment shall clean its grease interceptor(s) and properly dispose of any grease removed therefrom at least once every three (3) calendar months. Eating and drinking food establishments shall maintain records of said actions for a period of at least three (3) years for the purpose of inspection thereof by the Borough. These records shall be subject to inspection by the Borough Code Enforcement Officer and/or the Borough Public Works Department. Seasonal eating and drinking food establishments shall be subject to all of the requirements of an eating and drinking food establishment except that the seasonal eating and drinking food establishment shall clean its grease interceptor(s) and properly dispose of any grease two (2) times during the seasonal operation.
- (4) *Annual Inspection/Report.* On or before April 1<sup>st</sup> of each calendar year, an eating and drinking food establishment shall provide to the Borough Plumbing Subcode Official an annual inspection report of its grease interceptor(s) and connecting wastewater lines to ensure that grease is being adequately removed from the wastewater being discharged into the sewer system. The inspection shall be performed by a licensed plumber or cleaning service that specializes in grease interceptor cleaning, and a report provided to both the eating and drinking food establishment and to the Borough Plumbing Subcode Official within three (3) weeks of said inspection. This inspection report shall contain observations with regard to the efficiency of the grease interceptor, the amount of grease found in the connecting wastewater lines, the percentage of grease being removed from wastewater that is discharged into the sanitary sewer system and the maintenance and efficiency of the grease interceptor (with particular

attention given to whether the grease interceptor needs replacement or increased capacity).

- (5) *Prohibited.* The use of enzymes, emulsifiers, or similar chemicals in grease interceptors shall be prohibited.

**(d) Specifications.**

Grease Interceptors shall meet the specifications of Chapter 6 of the current National Standard Plumbing Code/N.J.A.C. 5:23-3.15.

**(e) Inspections.**

- (1) *Generally.* In consideration for continued use of its sanitary sewer system, the Borough of Belmar shall reserve the right to periodically conduct routine inspections of the grease interceptor(s) of any eating and drinking food establishment during regular business hours. During such inspections, the Borough shall have the right to inspect (i) any food preparation areas (ii) any records maintained pursuant to this section (iii) all grease interceptors which shall be opened upon request, and (iv) all wastewater lines from the establishment to the sanitary sewer system, which may be accomplished by use of a line camera.
- (2) *Fee for New Grease Interceptor Installations.* The inspection fee for a new grease interceptor is in the form of obtaining a plumbing permit.
- (3) *Blockage.* Whenever the Borough of Belmar discovers a blockage of the sanitary sewer system caused by grease, the Borough shall have the right to conduct an inspection of any eating and drinking food establishment connected to the main in which said blockage is found, without regard to any prior or recent inspection(s) thereof.
- (4) *Violation Discovered.* If during an inspection, the Borough discovers a violation of this section, the Borough shall notify the owner and/or operator of the eating and drinking food establishment of the nature of said violation as soon as reasonably possible and, in its discretion, issue a notice to the owner and/or operator for the correction of said violation with seven (7) calendar days thereof. If said violation is not corrected within such time the Borough shall issue a summons in accordance with said penalty provision. The owner and/or operator of the eating and drinking food establishment shall be subject to additional fees for any borough labor associated with correcting a blockage.

**(f) Penalties.**

- (1) *Fine for Noncompliance.* Any retail food establishment that violates any of the provisions of this section is subject to penalties as established by Chapter One – General Provisions of the Borough Ordinances.
- (2) *Posting of Bond.* For any retail food establishment that has plead guilty or been found guilty of a violation of this section, the Borough may require the posting of a bond by the retail food establishment as a guarantee against future violations of this section. The amount of the bond shall be calculated based on the anticipated cost of correcting a sanitary sewer blockage/obstruction due to a build up of fats, oils and grease. Any bond posted pursuant to this section shall remain in effect for two (2) years. Upon the lapse of two (2) years with no violations of this section, the retail food establishment shall be entitled to a refund of the bond unless the Borough has instituted proceedings for the forfeiture of the bond. Forfeiture of the bond shall occur if the retail food establishment is found guilty of a violation of this section and the retail food establishment has not paid any and all fees for Borough labor associated with correcting the blockage.

**(g) Enforcement.**

- (1) *Generally.* Except as where otherwise provided, the Code Enforcement Officer of the Borough, his/her designated representative(s), including the Borough of Belmar Department of Public Works shall have the authority to enforce the terms of this section and to perform all duties described herein on behalf of the Borough of Belmar.
- (2) *Related Authorities.* Nothing contained herein shall limit the authority of the Superintendent of Public Works, the Code Enforcement Officer and others so designated to enter the premises of any eating and drinking food establishment at all reasonable hours for the purposes of inspecting any water or sewer connection or service equipment, nor limit the authority of the Borough to assess penalties for any discharge of grease into the sanitary sewer system in violation of the Borough's Revised General Ordinances.

**BE IT FURTHER ORDAINED** that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

**BE IT FURTHER ORDAINED** that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.

**ORDINANCE NO. 2017 - 06**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER IV DEPARTMENT OF FINANCE,  
CHAPTER XVII ALCOHOLIC BEVERAGE CONTROL  
AND CHAPTER XVI POLICE REGULATIONS  
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR,  
IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the 5<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup> and 13<sup>th</sup> Avenue Pavilions were destroyed by Hurricane Sandy; and,

**WHEREAS**, the ordinances of the Borough of Belmar establish rules and regulations for structures no longer in existence; and,

**WHEREAS**, the Borough of Belmar has reconstructed only 5<sup>th</sup> and 10<sup>th</sup> Avenue Pavilions; and,

**WHEREAS**, the Borough of Belmar Ordinance No. 2011-15 provided for the establishment of fees and rules (known as "Schedule A" and "Annex B") to be promulgated by resolution of the governing body; and

**WHEREAS**, the remaining references in ordinances to structures no longer in existence need to be addressed.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter IV Department of Finance, Chapter XVII Alcoholic Beverage Control and Chapter XVI Police Regulations, of the Revised General Ordinances of the Borough of Belmar, are hereby amended and supplemented as follows:

**Section I.** Chapter XVII Alcoholic Beverage Control is hereby amended as follows:

4-4 DIVISION OF TREASURY; FUNCTIONS.

- e. Fees for the Use of Public Property. The following "Schedule A" of fees shall be charged from and after the effective date of this paragraph. The Borough Council shall designate from time to time, by resolution, a revised "Schedule A" setting forth all fees for use of borough property and said resolution shall be on file in the office of the Borough Clerk. The fees set forth in Schedule A may be waived for a nonprofit or not-for-profit organization or an organization which is recognized as a charitable organization by the State of New Jersey or the Federal government, and which provides proof of the same, if the organization provides a Borough of Belmar designated in-kind service which is approved by the Borough Administrator. The Borough Council may adopt rules for the use of any Public Property by Resolution.

~~SCHEDULE A~~

JOHN A. TAYLOR PAVILION:

1) Any event at the Taylor Pavilion shall cease at 10:00 p.m. and the Pavilion shall be cleaned and vacated no later than 11:00 p.m.

2) The use of the Pavilion is only permitted for family-oriented events and is specifically not permitted for any Sweet Sixteen party, high school graduation party, high school, college or similar reunion-type parties, bachelor or bachelorette parties or similar events. Any person or organization whose request to use the Pavilion is denied may appeal the denial to the Borough Council.

3) The person or organization hosting the event shall permit any Police Officer or Borough Official to enter the Pavilion at any time to ensure compliance with the conditions in this Section, Section 17-7.8(c)(5), any terms and conditions of the Special Events Permit and other laws, rules, regulations and/or ordinances.

\*\*BYOB

LESS THAN 75 PERSONS:

Borough Resident:	\$60.00 for the first two hours, and \$10.00 per hour for each additional hour.	<u>\$75.00 for the first two hours, and \$20.00 per hour for each additional hour.</u>
Nonresident:	\$100.00 for the first two hours, and \$10.00 per hour for each additional hour.	<u>\$125.00 for the first two hours, and \$20.00 per hour for each additional hour.</u>
Nonprofit/Not for profit organization:	\$60.00 for the first two hours, and \$10.00 per hour for each additional hour.	<u>\$75.00 for the first two hours, and \$20.00 per hour for each additional hour.</u>
<u>++Security Deposit for all rentals:</u>	<u>\$100.00</u>	<u>\$500.00</u>

MORE THAN 75 PERSONS (party or event open to the public):

Borough Resident:	\$250.00	<u>BYOB not permitted</u>
Nonresident:	\$500.00	<u>BYOB not permitted</u>

Additions are indicated by underline; and, deletions by ~~strikeout~~.

Nonprofit/Not for profit organization:

Belmar Organization: \$125.00 BYOB not permitted

Non-Belmar Organization: \$250.00 BYOB not permitted

~~++~~ Security Deposit for all rentals: \$100.00 \$500.00 BYOB not permitted

MORE THAN 75 PERSONS (private party or event):

Borough Resident: \$250.00 BYOB not permitted

Nonresident: \$500.00 BYOB not permitted

~~++~~ Security Deposit for all rentals: \$500.00 BYOB not permitted

~~\*\*BYOB: The ability to have BYOB at John A. Taylor Pavilion is limited by Ordinance Section 17-7.8(c)(5) and also requires a Special Events Permit pursuant to Ordinance Section 16-14.4. The fees in Schedule A include the Special Events Permit fee. BYOB is not permitted for any event regardless of the number of people that are attending if the event is open to the public.~~

~~++Security Deposit: The failure to leave the Pavilion clean and in the same condition as before the event, violation of any rules or regulation for the rental of Taylor Pavilion, loss of the key to Taylor Pavilion, the failure to abide by any conditions of a Special Event permit, if required, shall result in the forfeiture of the security deposit required by this Section. The forfeiture of a security deposit does not relieve the person or organization renting the Pavilion for the cost of any damage to the Pavilion.~~

**Section II.** Chapter XVII Alcoholic Beverage Control is hereby amended as follows:

17-7 RULES AND REGULATIONS.

17-7.8 "BYOB" Privileges.

- a. BYOB Allowed, Exceptions. This section applies to premises which are not licensed or permitted to sell or serve alcoholic beverages other than wine or a malt alcoholic beverage, for on-premises consumption pursuant to N.J.S.A. 2C:33-27 as may be supplemented and amended. The consumption of wine or malt alcoholic beverages (commonly known as beer and wine including champagne and other sparkling wines) by patrons of the premises, the premises that is not licensed or permitted to sell or serve alcoholic beverages, including wine or malt alcoholic beverages, shall be permitted as provided by law, except as specifically prohibited or regulated by the Borough of Belmar Revised General Ordinances.

Additions are indicated by underline; and, deletions by ~~strikeout~~.

- c. Beachfront, Boardwalk and Pavilions. No person shall bring, consume or possess any alcoholic beverage, malt alcoholic beverage or wine or any other intoxicating liquors on the beachfront, in the waters adjacent thereto, on the boardwalk, or in the areas adjacent to any of the pavilions owned by the Borough of Belmar including portions of the aforementioned pavilions that are occupied by concession lessees. For purposes of this section only, the term "beachfront" shall include all locations in the portion of the Borough included in the area delineated by and starting at one hundred (100) yards west of Ocean Avenue, then extending easterly to the Atlantic Ocean.

BYOB privileges are allowed at the ~~13th Avenue Pavilion, 8th Avenue Pavilion and, the North End concession of the 5th Avenue Pavilion,~~ the 5<sup>th</sup> Avenue Pavilion (John A. Taylor Pavilion) only, and, ~~the "beachfront" area is~~ subject to the ~~following~~ conditions set forth in Schedule A and Annex B, which are in addition to any other conditions imposed by ordinance, rule, regulation or law~~;~~.

- ~~1. BYOB privileges are allowed inside the portion of the physical structure, in the case of the Borough pavilions, inside the portion of the physical pavilion structure leased to the concession lessee.~~
- ~~2. BYOB privileges are allowed in the areas immediately adjacent to the premises, or in the case of the Borough pavilions, in the areas immediately adjacent to the concession lessee's premises, only if those areas have been approved for an Outdoor Eating Area, Outdoor Dining Area and/or Sidewalk Café Area by the Planning Board. Further, these areas may only have BYOB privileges if the areas provide waiters or waitresses for the service of food.~~
- ~~3. If the premises, or in the case of the Borough pavilions, the concession lessee, is in violation of any of the terms and conditions of an approved Outdoor Eating Area, Outdoor Dining Area and/or Sidewalk Café Area the concession lessee's BYOB privileges for the entire premises shall be suspended until the violations have been abated.~~
- ~~4. BYOB privileges in these areas are only permitted from 4:30 p.m. to closing as defined and delineated by Belmar Revised General Ordinance Section 17-6. Exceptions may be granted by the Mayor and Borough Council on a case by case basis subject to any restrictions or conditions imposed by the Mayor and Borough Council.~~
- ~~5. BYOB privileges in the John A. Taylor Pavilion:~~

In addition to the other rules and regulations in Section 17-7.8 and 4.4(e) Schedule A, the following rules and regulations apply to the John A. Taylor Pavilion:

- ~~a. The fees and deposits required pursuant to Ordinance Section 4-4(e) Schedule A must be paid in full.~~
- ~~b. Any person or organization desiring to have BYOB privileges for a private event of 75 people or less at the Taylor Pavilion shall apply for and receive a Special Events Permit pursuant to Ordinance Section 16-14.4 and the Special Events Committee may impose additional or more stringent conditions than contained in Section 17-7.8 and Section 4.4(e) Schedule A. Any person or organization denied a Special Events Permit by the Special Events Committee may appeal the denial to the Borough Council.~~

- ~~e. — BYOB is only permitted for private events and is not permitted for any event regardless of the number of people that are attending if the event is open to the public. A private event is an event that is limited in number in which invitations are sent to a specific group of individuals and in which a response to the invitation is required. The person or organization hosting an event at the Taylor Pavilion is responsible to ensure that only individuals who have been invited and responded are permitted into the event at the Pavilion and shall have such a list at the event and which list shall be provided to any Police Officer or Borough Official to ensure compliance with this condition as further detailed in Section 17-7.8(c)(5)(l).~~
- ~~d. — BYOB is only permitted for family oriented events and is specifically not permitted for any Sweet Sixteen Party, high school graduation party, high school, college or similar reunion type parties, bachelor or bachelorette parties or similar events.~~
- ~~e. — Insurance shall be obtained for the event in the minimum amount of \$1,000,000.00 and the policy of insurance shall name the Borough of Belmar as an additional insured and a hold harmless and indemnification agreement in favor of the Borough shall also be required on a form provided by the Borough.~~
- ~~f. — No other person or organization, other than the person or organization renting the Taylor Pavilion, shall provide wine or malt alcoholic beverages or serve them to the persons attending the event which shall include but not be limited to: bartenders, caterers or servers. Further, no social affairs permits or similar one-day liquor licenses are permitted.~~
- ~~g. — The possession of and consumption of wine or malt alcoholic beverages are only permitted within the Taylor Pavilion structure and are specifically not permitted on the adjoining boardwalk, the deck and outdoor seating area to the west of the Pavilion and the deck and seating area to the east and south of the Pavilion.~~
- ~~h. — The person or organization hosting the event shall be solely responsible to ensure no person is over served alcoholic beverages and that no person under the legal age to consume alcoholic beverages is served, consumes or possess alcoholic beverage, even if the child's parent or guardian has allowed the child do to so.~~
- ~~i. — BYOB privileges are only permitted from 12:00 noon until 10:00 p.m. and the Pavilion shall be cleaned, secured and vacated no later than 11:00 p.m.~~
- ~~j. — The person or organization hosting the event shall provide the Borough with a copy of a contract with a cleaning service to ensure that the Pavilion, including the kitchen and other areas used by the event, is promptly and sufficiently cleaned, including the moping of all floors to ensure that the Pavilion is not only clean but to ensure that there are no lingering smells or odors of wine or malt alcoholic beverages. Additionally, all garbage and recyclables shall be properly disposed of.~~
- ~~k. — The failure to comply with this Section and any conditions of the Special Events Permit shall result in the forfeiture of the security deposit required by Ordinance Section 4-4(e) Schedule A.~~
- ~~l. — The person or organization hosting the event shall permit any Police Officer or Borough Official to enter the Pavilion at any time to ensure~~

~~compliance with the conditions in this Section, Section 4.4(e)(5) Schedule A, any terms and conditions of the Special Events Permit and other laws, rules, regulations and/or ordinances. If there is any violation of the foregoing, the event may be immediately canceled and no refunds of any kind shall be issued and the person or organization will not be permitted to rent the Pavilion in the future.~~

**17-7.9 Liquor Licenses on the Boardwalk.**

- a. *Liquor Licenses Not Permitted, Exceptions.* No liquor licenses may be located on the boardwalk, in pavilions on the boardwalk or in the areas adjacent to any of the pavilions including portions of the aforementioned pavilions and adjacent areas that are occupied by concession lessees, ~~except as hereinafter permitted.~~

~~1. 13th Avenue Pavilion. A single liquor license is permitted to be located at the 13th Avenue Pavilion under the following conditions:~~

- a) ~~Regardless of the type of liquor license held by the licensee, the license may only be located at this location if the location is being used as a restaurant.~~
- b) ~~Regardless of the type of liquor license held by the licensee, the use of said license shall be limited to a restaurant service bar only for the benefit of those persons who are seated for service at the restaurant and persons waiting to be seated for service at the restaurant who are also on a waiting list for service. The service of alcoholic beverages is limited to the interior portions of the pavilion and the areas referred to as the back decks so long as there is no direct access to the beach or boardwalk. No alcoholic beverages of any kind may be served after 11:00 p.m.~~
- c) ~~The liquor licensee must meet and conform with all applicable State and Borough rules, regulations and conditions for a liquor license.~~
- d) ~~Nothing in this section shall restrict the right of the Borough of Belmar to enforce any other ordinance, rule, regulation or law regarding the sale, possession or consumption of alcoholic beverages, wine and/or malt alcoholic beverages.~~

**Section III.** Chapter XVI Police Regulations is hereby amended as follows:

16-14 REGULATION OF CONDUCT IN PUBLIC PARKS, RECREATION AREAS OR ANY OTHER PUBLIC PROPERTY.

16-14.4 Permits and Special Events Permits.\*

A person or organization desiring to hold any concert, race, walkathon, fair, carnival, festival, celebration, show, block party, or other similar event in or upon any public grounds or private property, park, beach or road of the Borough, ~~or wishes to have BYOB privileges at the John A. Taylor Pavilion as permitted by Ordinance Section 17-7.8(e)(5),~~ must first apply for and obtain a permit from the Borough Clerk in accordance with the requirements of subparagraph a of this section. Any such concert, race, walkathon, fair, carnival, festival, celebration, show, block party or other similar event, which is likely to require the expenditure of Borough resources in the form of Department of Public Safety and/or Department of Public Works salaries, wages or other expense, shall constitute a "Special Event." To obtain a permit for a special event, the applicant shall also satisfy the requirements of subparagraph b of this section.

\_\_\_\_\_  
Additions are indicated by underline; and, deletions by ~~strikeout~~.

\*Editor's Note: For fees to be charged for Special Events, see Section 4-4(f), and Section 4-4(e) Schedule A for BYOB privileges at the John A. Taylor Pavilion.

**SECTION IV.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION V.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION VI.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**ORDINANCE 2017-07**

**BOND ORDINANCE PROVIDING FOR VARIOUS PARK  
AND RECREATION IMPROVEMENTS IN AND BY THE  
BOROUGH OF BELMAR, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY, APPROPRIATING  
\$1,000,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$950,000 BONDS OR NOTES OF THE  
BOROUGH TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,000,000, including the sum of \$50,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$950,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various park and recreation improvements, including, but not limited to, new playgrounds, dugouts, fencing and equipment, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough

may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$950,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market

disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.