

**BOROUGH OF BELMAR  
COUNTY OF MONMOUTH**

**CAPITAL ORDINANCE NO. 2020-09**

**CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION AND OUTFITTING  
OF A NEW STREET SWEEPER AND PICKUP TRUCK, AND APPROPRIATING  
\$283,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN  
THE COUNTY OF MONMOUTH, NEW JERSEY**

WHEREAS, the Borough Council of the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough") has determined to provide for the acquisition and outfitting of a new street sweeper and pickup truck for the Borough, and

WHEREAS, the Borough has available \$146,400 in the Borough's General Capital Improvement Fund and \$136,600 in the Borough's Beach Utility Capital Improvement Fund.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general and Beach Utility capital improvements to be undertaken in and by the Borough. For the improvements or purposes described in Section 2, there is hereby appropriated \$283,000, said sum being inclusive of \$146,400 from the Borough's General Capital Improvement Fund and \$136,600 from the Borough's Beach Utility Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the acquisition and outfitting of a new street sweeper and pickup truck, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

Section 3. The 2020 capital budget of the Borough will conform to the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 4. An aggregate amount not exceeding \$5,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 hereof, shall be applied to direct payment of the cost of the improvements within the appropriation herein authorized.

Section 6. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section 7. This ordinance shall take effect as provided by law.

**BOROUGH OF BELMAR  
COUNTY OF MONMOUTH**

**BOND ORDINANCE NO. 2020-10**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO 12<sup>TH</sup> AVENUE - PHASE III AND 15<sup>TH</sup> AVENUE - PHASE I, AND APPROPRIATING \$945,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$945,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$945,000, said sum being inclusive of all appropriations heretofore made therefor, including grant funds expected to be received from the New Jersey Department of Transportation (NJDOT) in the aggregate amount of \$597,250. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of a down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$945,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, 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 improvements hereby authorized and the purposes for which the obligations are to be issued consist of (i) improvements to 12th Avenue - Phase III (Ocean Avenue to B Street and portions of 14th Avenue to K Street) and (ii) improvements to 15th Avenue - Phase I (Railroad to D Street), together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$945,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$945,000, which is equal to the amount of the appropriation herein made therefor, including the amount of said (i) \$260,000 grant funds expected to be received from the NJDOT for said improvements to 12th Avenue - Phase III; and (ii) \$337,250 grant funds expected to be received from the NJDOT for said improvements to 15th Avenue - Phase I.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the 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 such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough 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 \$945,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$170,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. 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, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ORDINANCE NO. 2020-11**

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE  
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF  
NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 29 OF  
THE BOROUGH CODE ENTITLED “WATER-SEWER UTILITY  
DEPARTMENT”**

**WHEREAS**, the Mayor and Council of the Borough of Belmar (hereinafter referred to as “Belmar”) has reviewed Chapter 29 of the Borough Code entitled “Water-Sewer Utility Department” in order to confirm whether any provisions therein should be updated; and

**WHEREAS**, in conjunction with assistance from Belmar’s solicitor and Belmar’s auditor Belmar has determined that certain modest increases are necessary for water and sanitary sewer charges, as well as other matters set forth in Chapter 29 should be upgraded to reflect current standards.

**NOW, THEREFORE, 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 Code be amended as follows:

**SECTION I.** Section 29-2.3 “Extension of Systems” is hereby deleted. That Section shall now read as follows:

Applicants for extensions of the water or sewer systems which will result in or require additional or relocated meters, pipes, lines, or service to any property already being served by the water or sewer systems shall be required to pay the cost of the extension and tap in addition to the cost as noted below of any additional meters and lines. Extensions of main lines will be assessed as local improvements and charged to owners of abutting property according to the requirements of State law. Water service will not be supplied through private systems or lines.

<i>Meter Size</i>	<i>Inside Meter Wall Mount</i>	<i>Outside Meter In Pit</i>
5/8" Water meter	\$400.00	\$400.00
1" Water meter	475.00	475.00
1 1/2" Water meter	1,000.00	1,000.00
2" Water meter	1,200.00	1,200.00

Additional charge of one hundred twenty-five (\$125.00) dollars per meter will be charged for installation/inspection of installation by others of meter, and requested assistance and inspection.

Additional charge of three hundred (\$300.00) dollars per meter will be charged for installation/service calls during off hours, weekend and holidays, and requested assistance and inspection.

**SECTION II.** Section 29-7.1(d) is hereby modified to reflect that all billing shall conducted as follows:

- d. Bills will be prepared and sent out on a quarterly basis, beginning no later than April 1, 2020. All bills will be paid on a quarterly basis, and not with equal monthly

payments. All bills will be due on the first day of the three months of the quarterly billing. The quarterly billing will be as follows:

<i>Mailing Date</i>	<i>Type of Bill</i>	<i>Due Date</i>
March 25	Quarterly Reading	April 1
June 25	Quarterly Reading	July 1
September 25	Quarterly Reading	October 1
December 25	Quarterly Ready	January 1

A grace period of thirty (30) days will be allowed after the due date of the first date of each quarter. Thereafter interest on the outstanding balance shall be charged in accordance with the provisions of Section 29-6.3.

**SECTION III.** Notwithstanding the timing of meter readings as set forth in Section 29-7.1, for 2020 the first meter reading will be made as of March 25, 2020. All bills for that meter reading will be due do later than April 30, 2020.

**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 and rate charges shall be effective on April 1, 2020.

**ORDINANCE NO. 2020-12**

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED  
GENERAL ORDINANCE CHAPTER 19: “TRAFFIC” TO DESIGNATE CERTAIN  
INTERSECTIONS AS MULTI-WAY “STOP INTERSECTIONS”**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 19: “Traffic” of the Borough’s Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

**19-21 STOP INTERSECTIONS.**

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

<i><b>Intersection</b></i>	<i><b>Stop Signs On:</b></i>
<u>East Railroad Avenue between 10<sup>th</sup> and 12<sup>th</sup> Avenue on the pass through lane accessed from the 11<sup>th</sup> Avenue horseshoe westbound to Railroad Avenue</u>	<u>Two-Way</u>

**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. 2020-17**

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE  
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW  
JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XX  
ENTITLED “LICENSES-GENERAL” TO INCLUDE A NEW SECTION  
INVOLVING MOBILE FOOD VENDORS**

**WHEREAS**, the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as “Belmar”) has received input and recommendations from the Belmar Fire Marshall concerning fire safety involving food trucks, trailers and carts; and

**WHEREAS**, Belmar believes it is appropriate and necessary to ensure fire safety for these vehicles; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey that Chapter XX of the codified ordinances of the Borough of Belmar entitled “Licenses-General” be amended and supplemented to include new Section 20-16 entitled “Food Truck, Trailer and Cart Fire Safety” which shall read as follows:

**SECTION I. Definitions**

Food Truck – A motorized vehicle registered and is able to be operated on the public streets of the State of New Jersey, in which ready to eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

Food Vendor – The owner or operator of a Food Truck, Food Trailer or Food Cart or the owner’s agent: hereinafter referred to as “Vendor”.

Food Cart – A Cart or other movable device used on the public sidewalks or in public places, in which ready to eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution, and which is not licensed as a food truck or food trailer.

Food Vehicle – Collectively, a Food Truck Food Trailer and a Food Cart.

## **SECTION II. Inspection required**

- (a) No Food Truck, Trailer, Cart or Vehicle shall operate within the borders of the Borough of Belmar without first having been inspected and approved by Belmar Fire Prevention Bureau.
- (b) No Food Cart that is using propane shall operate within the borders of the Borough of Belmar without first having been inspected and approved by the Belmar Fire Prevention Bureau.

## **SECTION III. Annual Inspection; Certificate of Approval**

- (a) Food Vehicles shall be inspected every time they are conducting business in the Borough of Belmar. Compliant Food Vehicles shall receive a Certificate of Approval valid until their departure within the Borough of Belmar which the Certificate is received. Certificates of Approval shall be displayed prominently in or on the Food Vehicle as directed by printed instructions on the Certificate.
- (b) Vendors shall apply for inspection and Certificate of Approval at the Belmar Fire Prevention Bureau located at 601 Main Street, Belmar New Jersey.
- (c) The inspection fee of \$54.00 shall be paid at the time of the application.
- (d) The Fire Official shall prepare a checklist for the inspection specifically detailing the requirements needed and the standards which must be complied with for approval. The checklist shall be publicly available. Nothing in this subparagraph shall be construed as limiting the authority of the Fire Official to supplement the requirements of the checklist in a particular case in the interest of public safety.
- (e) Vendors failing the inspection may be re-inspected at any time. No additional fee will be charged for the first re-inspection if within 30 days of the first inspection. The full inspection fee is required for re-inspections after that date and any additional re-inspections.
- (f) The \$54.00 fee is an application fee, and is nonrefundable.

- (g) This inspection is required for all mobile food vendors operating within the Borough of Belmar whether it is a private event, or public gathering.
- (h) The Monmouth County Health Department shall be made aware, and appropriate application be filed and must be approved by their office and inspected.
- (i) The application must be made 2 weeks prior to the event. Applications made less than two weeks before the event may be accepted up to the day of the event at the discretion of the Fire Official. A late service fee may be charged not to exceed double the standard fee. In no case may a Food Vehicle operate without approval by the Fire Official.
- (j) A food truck is only authorized on a public property or roadway when approved by the Borough of Belmar for such use.

#### **SECTION IV. Violations**

Any person who violates any provision of this article shall, upon conviction thereof, be punished by fine not exceeding \$2,000.00 imprisonment in the County/Municipal Jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

**SECTION V.** 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 VI.** 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. 2020-18**

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, AMENDING CHAPTER XXXIV ENTITLED BELMAR SPECIAL IMPROVEMENT DISTRICT, OF THE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

**SECTION I. REPEAL OF PRIOR CHAPTER XXIV**

The existing Chapter XXIV, Belmar Special Improvement District, of the General Ordinances of the Borough of Belmar is repealed and replaced by this Ordinance.

**SECTION II.**

**1 STATEMENT OF FACTS; DECLARATION.**

The Mayor and Council of the Borough of Belmar find and declare as follows:

- a. The business community is a vital economic and social force in the Borough of Belmar.
- b. A Special Improvement District pursuant to N.J.S.A. 40:56-65, et seq., was established by Borough Ordinance No. 34-4.
- c. Since the establishment of the Special Improvement District, the business community and the entire Borough, its residents and the surrounding communities have benefitted from the actions of the District Management Corporation, its directors, staff and members.
- d. Notwithstanding the success of the Special Improvement District and the District Management Corporation there is a need to ensure that both act in the best interests of the business community, the Borough and its residents.
- e. The District Management Corporation is a quasi-public entity entrusted by the Mayor and Council with the performance of certain government functions and it is necessary that it comply with uniform contracting and purchasing practices and other laws and otherwise conduct its business in an open and transparent fashion consistent with the high standards and principles required of a public trust.
- f. N.J.S.A. 40:56-75 provides that notwithstanding the establishment of the Special Improvement District, the municipality and its governing body shall retain its police powers and other rights and powers relating the Special Improvement District and may

abandon or change the Special Improvement District, or change or repeal any plans, rules or regulations adopted for its operation.

- g. N.J.S.A. 15A:6-6 of the New Jersey Nonprofit Corporation Act provides that the trustees of a nonprofit corporation such as the Belmar Business Partnership, Inc., can only be removed by a vote of its members or the other trustees as set forth in the certificate of incorporation or by laws of the nonprofit corporation.
- h. In order to ensure that the operation of the Special Improvement District is Conducted in a manner consistent with the high standards and principles required of a public trust there is a need for the Mayor and Council to more effectively exercise their police powers and other rights and powers pursuant to N.J.S.A. 40:56-75.
- i. The certificate of incorporation and bylaws of the Belmar Business Partnership, Inc., do not allow the proper exercise of the Mayor and Council of those police powers. and other rights and powers accordingly, and it therefore is necessary that the Belmar Business Partnership, Inc., be decertified as the District Management Corporation and replaced by a nonprofit corporation whose certificate of incorporation and bylaws ensure that the Mayor and Council retain all powers to which they are entitled under the law.
- j. The non-profit corporation known as the Belmar Business Partnership, Inc. is hereby decertified as the District Management Corporation for the Special Improvement District of the Borough of Belmar.

## 2 Definitions.

As used in this chapter:

- a. District Management Corporation (also referred to as DMC) shall mean the Belmar Improvement District, Inc., an entity incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this ordinance to received funds collected by a special improvement assessment within the Special Improvement District, as authorized by this ordinance and any amendatory supplementary ordinances.
- b. Special Improvement District (also referred to as District or SID) shall mean that area within the Borough as designated by this Chapter as an area in which a special assessment on property within the District shall be imposed for the purpose of promoting the economic

and general welfare of the District and the Borough of Belmar (also referred to as the “Borough”).

### 3 Purpose

The purpose of this Chapter are to:

- a. Foster the District’s economic development, encourage the District’s revitalization and strengthen the district’s economic and commercial contributions to residents and property owners of the Borough.
- b. Allow all those who live, work or invest in the District to contribute to the improvement of the District.
- c. Foster the building of a private/public partnership to implement the improvement of the Borough of Belmar.
- d. Foster and create self-help programs to improve the local business climate.

### 4 Findings

The Council finds and declares that:

- a. The business areas of the Borough of Belmar have special needs and require special services that can best be achieved through a private/public partnership implemented by a Special Improvement District ("SID") and a District Management Corporation ("DMC") otherwise referred to as Belmar Improvement District, Inc.,.
- b. The creation of a Special Improvement District and designation of Belmar Improvement District, Inc., as the District Management Corporation will promote economic growth and implement, foster and encourage commercial development business vitality, expansion and self-help, and improve the business climate and otherwise be in the best interest of the property owners in the District and in the Borough.
- c. The area within the Borough, as described by lot and block numbers and by street addresses as set forth in Schedule A which may be found at the end of this Chapter will benefit from being designated as a Special Improvement District.
- d. Belmar Improvement District, Inc., as the District Management Corporation will provide the administrative, programming and other services to benefit the businesses, employees, residents and consumers in the Special Improvement District and the Belmar Improvement

District, Inc., will assist the Borough in promoting economic growth, employment and development.

- e. A separate tax shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to Belmar Improvement District, Inc., as the District Management Corporation to effectuate the purpose of this Chapter and any amendatory and supplementary statutes and to exercise the powers given to it by this Chapter.
- f. It is in the best interests of the Borough and the public to create a special improvement district and to designate Belmar Improvement District, Inc., a District Management Corporation; except that no District Management Corporation, including Belmar Improvement District, Inc., shall be designated to receive any funds or to exercise any powers pursuant to the provisions of N.J.S.A. 40:56-67 et seq. and any amendatory or supplementary statutes, unless the board of directors of that corporation shall include at least one (1) member of the Borough Council and the Mayor or the Mayor's designee.

#### 5 CREATION AND CONTINUATION OF THE SPECIAL IMPROVEMENT DISTRICT

- a. The Special Improvement District established by Borough Ordinance No. 34-4 and previously known as the Belmar Business Partnership Special Improvement District is reclassified as the Belmar Improvement District and continued as having the boundaries set forth in this Ordinance. The Special Improvement District is designated on the attached Schedule A.
- b. All properties within the Special Improvement District, except as otherwise noted in c. below, are deemed included in the assessing provisions of this Chapter and are expressly subject to assessment made for Special Improvement District Purposes.
- c. Only those properties within the Special Improvement District that as of January 1, 2010 are designated as property classes 4A and 4B for purposes of real estate tax assessments pursuant to N.J.A.C. 18:12-2.2 shall be subject to assessment made for Special Improvement District Purposes as set forth in Schedule A which may be found at the end of this Chapter.
- d. All designations and assignments proposed for commercial property located within the boundaries of the Special Improvement District by the Board of Directors shall first be submitted to the Mayor and Council for approval. The Mayor and Council may amend or

alter the designations or assignments proposed by the Board of Directors in order to reflect the best interests of the Special Improvement District and Borough at large. In order to ensure that the owners and other parties in interest of the affected commercial properties and businesses have the opportunity to be heard, they shall be notified by regular mail of their proposed designations or assignments and all such designations and assignments and subsequent amendments or alterations of those designations or assignments shall be effect by ordinances amending Schedule A.

## 6 ASSESSEMENTS

- a. It is hereby determined that the operation and maintenance of the District may involve annual costs relating to services peculiar to the District that are distinguished from operation and maintenance services normally provided by the Borough outside the District. Those annual costs shall be assessed to the benefited properties or businesses measured reasonably and fairly in proportion to the benefits conferred pursuant to this Chapter and N. J. S. A. 40:56-65 et seq. The properties to be assessed to provide for the payment of such annual costs are described in Section 5c. hereof and shall be assessed as provided herein, except:
  2. Any property which is owned by the Borough or any other public entity, which is leased pursuant to the Local Lands and Buildings Law N.J.S.A. 40A:12-1, to anyone other than another public entity or entity which is exempt from real estate taxation, the lessee shall pay an amount as determined by Belmar Improvement District, Inc., the District Management Corporation, however there shall be no assessment for any boat leases at the Belmar Marina; and
  3. All properties known as bed and breakfasts or rooming/boarding houses, included in Section 5c. hereinabove and which hold a duly issued Belmar Mercantile License for the same shall be assessed at fifty (50%) percent of the maximum assessment rate needed to support the budget as determined by Belmar Improvement District, Inc., the District Management Corporation.
  4. Any commercial properties located west of Main Street and east of the Railroad from 13th Avenue to 16th Avenue, not to include Main Street facing properties shall be included in Section 5c hereinabove and which hold a duly issued Belmar Mercantile License for the same shall be assessed at fifty (50%) percent of the maximum

assessment rate needed to support the budget as determined by Belmar Improvement District, Inc., the District Management Corporation.

5. All assessments shall be capped at eight (8%) percent.
- b. Each year, when the Mayor and Council shall have acted on the estimated costs and/or on the budget of the District, the Tax Assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District. Descriptions of such properties and the name of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the Office of the Borough Clerk and be there available for inspection. The Mayor and Council shall annually meet to consider objections to the amounts of such special assessments at least ten (10) days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property to be assessed. The notice shall set forth the time and place of the meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the Mayor and Council shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the Borough Clerk shall forthwith certify a copy of the assessment roll with supplements to the roll to the Monmouth County Board of Taxation.

## 7 THE DESIGNATED DISTRICT MANAGEMENT CORPORATION

- a. The nonprofit corporation, Belmar Improvement District, Inc., incorporated pursuant to N.J.S.A. 15A:1-1, et seq., is hereby designated as the District Management Corporation for the District. This District Management Corporation is designated by this Chapter to receive funds collected by a special improvement assessment within the Special Improvement District.
- b. Belmar Improvement District, Inc., as the District Management Corporation shall conduct its business in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., the Open Public Records Act, N.J.S.A. 47:1A-1, et seq., and the Local Public Contracts law, N.J.S.A. 40A:11-1, et seq., except as modified in Section 8 of this Chapter.

- c. Belmar Improvement District, Inc., shall conduct regular meetings no less than quarterly. It shall regularly file copies of the minutes and recordings of its meetings with the Borough clerk to ensure that the minutes will be conveniently accessible to the public for inspection.
- d. Belmar Improvement District, Inc., shall have a Board of Directors Consisting of eleven voting members and shall be designated as follows:
  - 1. The Mayor or the Mayor’s designee;
  - 2. One member of the Borough Council appointed by the Mayor with the approval of the Council.
  - 3. Eight members, none of whom will be members of the Borough Council consisting as follows:
    - i. At least four members shall be property owners in the District.
    - ii. Four members will be business owners in the District.
    - iii. One member will be a resident, who need not be a property owner or business owner in the District.
    - iv. Additionally members of this class shall not assign or designate a representative to act on their behalf as a Board Member.
- e. The term of the Mayor shall run concurrent with his/her term in office. The term of the Mayor’s designee shall be for a period of one year and shall be at the pleasure of the Mayor. In the event of the Mayor’s death, resignation or removal from office the Mayor’s successor on the Board shall be selected by a majority vote of the full Council. A mayor appointed pursuant to the Municipal Vacancy Law, N.J.S.A 40A:16-1 shall have no powers of appointment to the Board of Directors until a successor, which may be the appointed mayor is elected to complete the unexpired term. Until that election is conducted the power of appointment to the Board of Directors shall reside with the council with the appointed mayor serving only to constitute a quorum.
- f. The term of the Director appointed pursuant to paragraphs (d)(2) shall be for a period of one year and shall be at the pleasure of the Mayor and Council. This director may be removed by a vote of a simple majority of the Mayor and Council.
- g. The term of the Directors appointed pursuant to paragraphs (d)(3) shall serve a term of two years, with the exception of the resident member whose term will be for one year. The initial “property members” of the Board of Directors shall be nominated by the Mayor with

the approval of the Council. The terms of four of the initial “property owner members” shall be for three years. The terms of three of the “business owner members” shall be for two years. The term of one of the “resident member” shall be for one year. The date when each term commences shall be fixed in the Bylaws of the Belmar Improvement District, Inc. Elections shall be scheduled within the first year after the formation of the Belmar Improvement District, Inc., for the one Director serving a one year term. The remaining four business owners shall be elected the following year, with the remaining four property owners being elected the year thereafter. Each newly elected director shall serve a term consistent with the position previously held.

- h. Vacancies on the Board of Directors shall be filled by appointment of the Mayor with the approval of the Council until the next election schedule pursuant to the Bylaws of the Belmar Improvement District, Inc., at which time a Director will be elected to serve for the balance of the unexpired term.
- i. If a member of the Board of Directors is alleged to have violated the laws governing the operation of Belmar Improvement District, Inc., or has voted to authorize Belmar Improvement District, Inc., to violate the laws governing the operation of the Corporation, or has been convicted in a court of competent jurisdiction of violating any other law, the Council may request in writing that the Board of Directors remove that member in the manner provided in the Bylaws of the Corporation. That written request shall specify the charges stating the facts alleged and the ordinances, regulations or statutes alleged to have been violated. If the Board of Directors fails or refuses to remove that member the Council may charge the member and proceed to remove the member as provided in this section. Any member of the Board of Directors charged by the Council with violating the law will, at the member's discretion, be afforded a hearing before the Council. A vote for removal of a Director must be adopted by a vote of at least four Councilmembers. The Mayor shall preside over the hearing, but shall not vote on any motion to remove. The vacancy created by the removal may be filled by appointment of the Mayor with the approval of the Council.

## 8 POWERS OF THE DESIGNATED DISTRICT MANAGEMENT CORPORATION

- a. The Mayor and Council expressly retains all of its power and authority over the area designated as being within the District and all of its power and authority over Belmar

Improvement District, Inc., as the District Management Corporation which shall be considered an agency of the Borough of Belmar entrusted with the performance of certain enumerated governmental and quasi-governmental functions pertaining to the promotion of the general welfare of the Borough's business community and residents. N.J.S.A. 40:56-75 provides that notwithstanding the establishment of a Business Improvement District the municipality and its governing body shall retain its police powers and other rights and powers relating to the Business Improvement District and may abandon or change the Business Improvement District or may change or repeal any plans, rules or regulations adopted for the operation of the Business Improvement District.

- b. Belmar Improvement District, Inc., shall have no power of condemnation or eminent domain.
- c. Nothing contained herein shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof.
- d. Belmar Improvement District, Inc., as the District Management Corporation shall not make or enter into any contracts for the improvement of any publicly owned or operated facility or property within the Special Improvement District, nor adopt any regulation relating to public property in such district unless the Mayor and Council of the Borough of Belmar delegates to the Belmar Improvement District, Inc., by ordinance, the contracting of work to be done on any street or streets or on any other municipal property within the Special Improvement District provided Belmar Improvement District, Inc., as the contracting unit obtains at least three proposals for each item which would require the expenditure of at least \$2,500.00 and provided the plans and specifications for the work contracted shall be approved by the Municipal Engineer and the Mayor and Council, by resolution, prior to initiation of any action for the awarding of a contract.
- e. Belmar Improvement District, Inc., shall comply with all applicable ordinances or regulations of the Borough of Belmar.
- f. Belmar Improvement District, Inc., as the District Management Corporation shall act as an advisory board to the Mayor and Council pursuant to statute and shall have all of the powers and responsibilities necessary and requisite to effectuate the purposes of this Chapter and the District. The exercise of these powers shall be by resolution approved by a majority of a quorum of the Board of Directors. These powers shall include, but not be limited to:

1. Adopt bylaws for the regulation of its affairs and conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its function and duties;
  - a. However, at no point may said bylaws contravene any provision expressed in this chapter.
  - b. Proposed by laws must be submitted to the Mayor and Council for approval and any amendments thereto shall be submitted to the Mayor and Council for Approval.
  - c. The Bylaws shall include the following
    - i. the eligibility requirements to run for election to the Board of Directors.
    - ii. Quorum for the Board of Directors to exercise the powers and conduct the business of the District Management Corporation.
    - iii. Manner in which a candidate is nominated to run for election to the Board of Directors.
    - iv. Grounds and Manner in which Directors may be removed from office by the Board of Directors in addition to removal by the Mayor and Council as provided in Section 7(i).
    - v. Asset distribution upon dissolution of the District Management Corporation.
2. Employ such persons as may be required, and to fix and pay their compensation from funds available to Belmar Improvement District, Inc.;
3. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
4. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;
5. Administer and manage its own funds and accounts and pay its obligations;

6. Borrow money from private lenders for periods not to exceed one hundred eighty (180) days and from governmental entities for that or longer periods;
7. Fund the improvement of the exterior appearance of properties in the District through grants or loans;
8. Fund the rehabilitation of properties in the District;
9. Accept, purchase, rehabilitate, sell, lease or manage property in the District;
10. Enforce the conditions of any loan, grant, sale or lease made by the District Management Corporation;
11. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality;
12. Undertake improvements designed to increase the safety or attractiveness of the District to businesses which may wish to locate there or to visitors to the District, including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough;
13. Publicize the District and the businesses included within the District boundaries;
14. Recruit new businesses to fill vacancies in, and to balance the business mix of, the District;
15. Advise the Mayor and Borough Council in connection with the acquisition and construction of improvements and the operation and maintenance thereof in the Special Improvement District, and making of a plan therefor and the recommendations, comments or requests of members of the public and of owners and occupants of property included within the Special Improvement District;
16. Provide special parking arrangements for the District;
17. Provide temporary decorative lighting in the District;
18. Organize special events in the District;

19. Review all applications, plans, specifications, etc. for the proposed construction or alteration of any and all exterior improvements to buildings and facades within the Special Improvement District for the purpose of providing advice and recommendations to those wishing to improve their properties. Recommendations produced under this section will be forwarded to the appropriate approving authority, namely the Borough's Construction Code Official, Planning Board or the Board of Adjustment.
20. Advise the distribution and location of movable furniture, sculpture or pedestrian traffic control devices, landscaping and other facilities not otherwise located or fixed by the plans and specifications.

#### 9 FISCAL YEAR AND ANNUAL BUDGET

- a. Monies appropriated and collected for the annual costs of operating and maintaining a Special Improvement District shall be credited to a special account. The Mayor and Council may incur the annual costs of improving, operating and maintaining a Special Improvement District during a fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account approved for that year is not exceeded by the expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be maintained and applied towards the financial requirements of the succeeding year.
- b. The Mayor and Council may retain a portion of the collected special assessment proceeds to offset the direct costs incurred in the required assessment and budget processes.
- c. The Council shall pay over funds to Belmar Improvement District, Inc., the District Management Corporation, quarterly on the fifteenth (15th) day of February, May, August and November of each year. The Borough shall not be obligated to pay over funds not received by the Borough.
- d. Belmar Improvement District, Inc., shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose

shall employ a Certified Public Accountant of New Jersey. The annual audit shall be completed and filed with Governing Body within four (4) months after the close of the fiscal year of the corporation, and a certified copy of the audit shall be filed with the Director of Community Affairs within five (5) days of the filing of the audit with the Council.

- e. Belmar Improvement District, Inc., as the District Management Corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Council and the Borough Clerk.
- f. The official office of Belmar Improvement District, Inc., will be the Municipal Building, currently located at 601 Main Street, Belmar, New Jersey.

#### 10 NO LIMITATION OF POWER.

Nothing contained herein shall prevent the Mayor and Council at any time, subsequent to the adoption of this Chapter, by ordinance abandoning the operation of the Special Improvement District, changing the extent of the Special Improvement District, supplementing or amending the description of the District to be specially assessed for annual costs of the Special Improvement District, changing or repealing any plan, rules, requisitions or limitations adopted for the operation of the Special Improvement District or rescinding the designation of Belmar Improvement District, Inc. as the District Management Corporation or redesignating a District Management Corporation.

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

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

#### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on the first reading by the Council of the Borough of Belmar, County of Monmouth, State of New Jersey on \_\_\_\_\_, **2020 at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on \_\_\_\_\_, **2020, at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

\_\_\_\_\_  
**APRIL CLAUDIO**, Borough Clerk

**SCHEDULE A**

Block	Lot	Qual	Property Location	Property Class
2	2		3 OCEAN AVE	4A
3	2		FIRST & OCEAN AVES	4A
10	3		101 FIRST AVE	4A
40	1		400 OCEAN AVE	4A
40	9		112 FIFTH AVE	4A
40	17		402-408 OCEAN AVE	4A
41	8		219 FOURTH AVE	4A
45	1		N/E COR FIFTH AVE & MAIN	4A
45	4		610 FIFTH AVE	4A
54	7.01		517 FIFTH AVE	4A
55	7		500 MAIN ST	4A
55	8		504 MAIN ST	4A
55	9		506 MAIN ST	4A
55	10		508 MAIN ST	4A
55	12		614 SIXTH AVE	4A
56	1		511 MAIN ST	4A
56	2		507 MAIN ST	4A
56	4		501 MAIN ST	4A

56	6	702 SIXTH AVE	4A
57	2	704-708 RIVER AVE	4A
57	4	RIVER AVE	4A
57	5	702 RIVER AVE	4A
65	8	600 MAIN ST	4A
65	9	602 MAIN ST	4A
65	10	604 MAIN ST	4A
65	11	606 MAIN ST	4A
65	13	610 MAIN ST	4A
66	15	611 MAIN ST	4A
67	4.01	835 BELMAR PLAZA	4A
75	2	700 MAIN ST	4A
76	2	703 MAIN ST	4A
76	4	701 SEVENTH AVE	4A
76	6	705 SEVENTH AVE	4A
76	7	709 SEVENTH AVE	4A
76	15	700 EIGHTH AVE	4A
76	17	700-A EIGHTH AVE	4A
76	18	709-715 MAIN ST	4A
76	20	707 MAIN ST	4A
76	21	705 MAIN ST	4A
80	1	801 OCEAN AVE	4A
80	17	804 OCEAN AVE	4A
80	18	803 OCEAN AVE	4A
84	1	801 D ST	4A
84	14	800 E ST	4A
85	14	808-810 MAIN ST	4A
86	1	801 MAIN ST	4A
86	2	807 MAIN ST	4A
86	4	809 MAIN ST	4A
86	5	811 MAIN ST	4A
86	6	704 BELMAR PLAZA	4A
86	7	810 BELMAR PLAZA	4A
86.01	1	BELMAR PLAZA	4A
87	1	800 RIVER AVE	4A
87	2	810 RIVER AVE	4A
95	4	609 NINTH AVE	4A
95	5	613 NINTH AVE	4A
95	7	900 MAIN ST	4A
95	8	902 MAIN ST	4A
95	9	904 MAIN ST	4A
95	10	906 MAIN ST	4A
95	11	908 MAIN ST	4A
95	12	910 MAIN ST	4A

95	13		914 MAIN ST	4A
95	15		610 TENTH AVE	4A
96	1		901 MAIN ST	4A
96	3		917 MAIN ST	4A
96	5		921 MAIN ST	4A
96	6		925 MAIN ST	4A
96	7		706 TENTH AVE	4A
96	8		708 TENTH AVE	4A
96	9		712 TENTH AVE	4A
105	8		613 TENTH AVE	4A
105	9		1000 MAIN ST	4A
105	10		1002 MAIN ST	4A
105	11		1004 MAIN ST	4A
105	12		1006 MAIN ST	4A
105	13		1008 MAIN ST	4A
105	14		1010 MAIN ST	4A
105	15		1012 MAIN ST	4A
106	1		1001-1005 MAIN ST	4A
106	2		701 TENTH AVE	4A
106	3		705 TENTH AVE	4A
106	5		707 TENTH AVE	4A
106	10.01		1007.5 MAIN ST	4A
106	10.02		1007 MAIN ST	4A
106	11		1005.5 MAIN ST	4A
115	10		1100 MAIN ST	4A
115	11		1102 MAIN ST	4A
115	12		1104 MAIN ST	4A
115	13		1108 MAIN ST	4A
115	14		1110 MAIN ST	4A
115	15		1112 MAIN ST	4A
116	2		712 TWELFTH AVE	4A
Block	Lot	Qual	Property Location	Property Class
117	1		803 ELEVENTH AVE. AKA 801	4A
117	2		800 TWELFTH AVE	4A
117	6		1100 RIVER RD	4A
117	7		1102 RIVER RD	4A
117	9		1110 RIVER RD	4A
120	6		107 TWELFTH AVE	4A
125	7		1200 MAIN ST	4A
125	9		1202 MAIN ST	4A
125	10		1204 MAIN ST	4A
125	11.02		1208 MAIN ST	4A

125	13	1212 MAIN ST	4A
127.01	2.01	805 TWELFTH AVE	4A
127.02	7	827 TWELFTH AVE	4A
127.02	10	1204 H ST	4A
128	1	1200 RIVER AVE	4A
134	1	500 FOURTEENTH AVE	4A
135	10	1308 MAIN ST	4A
135	11	1312 MAIN ST	4A
135	12	1316 MAIN ST	4A
136	1	1301 MAIN ST	4A
136	8	711 THIRTEENTH AVE	4A
136	17	1309 MAIN ST	4A
136	21	1303.5 MAIN ST	4A
136	22	1303 MAIN ST	4A
137	1	805 THIRTEENTH AVE	4A
137	16	818 SIXTEENTH AVE	4A
142	14	1402 C ST	4A
155	6	613 FIFTEENTH AVE	4A
155.01	7	1500 MAIN ST	4A
155.01	8	1504 MAIN ST	4A
155.01	9	1506 MAIN ST	4A
156	1	1401 MAIN ST	4A
156	9	712 SIXTEENTH AVE	4A
156	15	1407 MAIN ST	4A
156	16	1405 MAIN ST	4A
160	1	1601 OCEAN AVE	4A
160	25	1607 OCEAN AVE	4A
167	3	811 SIXTEENTH AVE	4A
167	7	1600 HWY 71	4A
167	11	805 SIXTEENTH AVE	4A
168	1.01	1601 H ST	4A
168	17	1607 H ST	4A
170	13	1715-1717 OCEAN AVE	4A
180	1	1801 OCEAN AVE	4A
180	14	1813 OCEAN AVENUE	4A
10	1	102 SECOND AVE	4A
41	15	204 FIFTH AVE	4A
42	1.01	301 FOURTH AVE	4A
71	1	201 SEVENTH AVE	4A
72	7	300 EIGHTH AVE	4A
80	11	114 NINTH AVE	4A
80	13	110 NINTH AVE	4A
87	3	910 RIVER AVE	4A
91	20	200 TENTH AVE	4A

92	21	302 TENTH AVE	4A
92	22	300 TENTH AVE	4A
100	1	1000 OCEAN AVE	4A
100	2	101 TENTH AVE	4A
102	1	301 TENTH AVE	4A
102	3	307 TENTH AVE	4A
105	2	603 TENTH AVE	4A
110	12	114 TWELFTH AVE	4A
111	1	201 ELEVENTH AVE	4A
111	2	203 ELEVENTH AVE	4A
111	13	212 TWELFTH AVE	4A
143	3	405 FOURTEENTH AVE	4A
143	20	402 FIFTEENTH AVE	4A
182	14	1805 A ST	4A