

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 14-24

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF NEPTUNE BY REZONING CERTAIN
PROPERTIES ALONG ROUTE 66 TO C-1 PLANNED COMMERCIAL
DEVELOPMENT ZONE

Approved on First Reading: July 14, 2014

Approved, passed and adopted on final reading: July 28, 2014

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 14-25

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF NEPTUNE BY REZONING BLOCK 9025, LOTS
53, 54, 55, 55.01 FROM C-1 PLANNED COMMERCIAL TO R-2
RESIDENTIAL

Approved on First Reading: July 14, 2014

Approved, passed and adopted on final reading: July 28, 2014

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 14-26

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 404.04
ENTITLED C-1 PLANNED COMMERCIAL DEVELOPMENT

Approved on First Reading: July 14, 2014

Approved, passed and adopted on final reading: July 28, 2014

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 14-27

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 412.18
ENTITLED PARKING IN FRONT SETBACK

Approved on First Reading: July 14, 2014

Approved, passed and adopted on final reading: July 28, 2014

NOTICE
ORDINANCE NO. 14-28
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 28th day of July, 2014, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 11th day of August, 2014, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 14-28

AN ORDINANCE TO AMEND CHAPTER IV OF THE GENERAL
ORDINANCES OF THE TOWNSHIP OF NEPTUNE CREATING
RENT CONTROL, PROTECTIVE TENANCY AND RENT LEVELING
BOARD

WHEREAS, the governing body of the Township of Neptune adopted a general Rent Control Ordinance on August 12, 2013, with the definition section amended in September, 2013, and as a result of a Settlement Agreement in the Superior Court of New Jersey case of Third Garden Park, Ltd. Partnership and Metpark II, LLC v. Township of Neptune, Docket No. L-3730-13, further amendments appear to be appropriate and in order,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that Chapter IV of the General Ordinances of the Township of Neptune creating Rent Control, Protective Tenancy and Rent Leveling Board is hereby amended as follows:

4-30 RENT CONTROL

4-30.3 Rent Increase; Notice Required.

b. Any landlord seeking a rent increase, a lease renewal or an agreement to extend or renew leases shall provide notice of said action in writing to the tenant at least sixty (60) days prior to the effective date of increase renewal, extension or other action and further that no tenant shall be required to sign any such rent increase notice, renewal or agreement to extend or renew lease until such tenant has had the opportunity to review the documents for

a period of five (5) business days.

4-30.4 Appeal by Landlord.

b. Landlord may seek an additional surcharge for major capital improvements or services. To qualify for a major improvement surcharge, claimant must show a benefit to the tenant in the form of improved lifestyle, convenience, ease and/or security, and compliance with the definition of capital improvements found in the Internal Revenue Code. The landlord must notify each tenant of the total cost of the completed capital improvement or service, the number of years of useful life of the improvement as claimed by the landlord for purposes of depreciation for income tax purposes, the cost of the improvement, the total number of square feet to the dwelling or garden apartment complex, the total square feet occupied by the tenant and the capital improvement surcharge he is seeking from each tenant. The landlord seeking a capital improvement or service surcharge shall appeal for the surcharge to the Rent Leveling Board who shall determine if the improvement is a major improvement and if so, may permit such increase to take place and may direct that the increase shall be collected in equal monthly payments spread over the useful life of the capital improvement. If the increase is granted it shall not be considered rental and calculated in the cost of living increases. In any event, no increase authorized by this section shall exceed fifteen (15%) percent of the tenant's rent.

4-30.8 Tax Reduction; Tenant Credit.

This section is hereby repealed in its entirety.

4-30.12 Vacant Housing Decontrolled, Recontrolled.

Upon the voluntary, uncoerced or court authorized termination of a tenancy, during or at the end of any lease, the rent shall be decontrolled and the rent may be raised by the landlord without regard to the limitations imposed by this ordinance. The rent to be charged to a new tenant, as well as the rent previously charged for the same space, shall be reported to the Rent Leveling Board within fifteen (15) days of renting the space. Upon re-rented, the rental space shall be considered recontrolled to the same extent and under the same conditions as any space originally controlled.

Failure to report the information required within the fifteen (15) days specified shall result in the rental space remaining controlled to the same extent and under the same conditions as if it had not been vacant and any rental charged the new tenant in excess of that controlled rate shall be void.

All Ordinances or parts of Ordinances, which are inconsistent herewith, are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

Richard J. Cuttrell,
Municipal Clerk

**TOWNSHIP OF NEPTUNE
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE NO. 14-29 AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Neptune, in the County of Monmouth, State of New Jersey, on July 28, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, in said County, on August 11, 2014 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

- Title:** BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 14-13 (WHICH PROVIDES FOR THE DEVELOPMENT OF VETERANS PARK BY AND IN THE TOWNSHIP) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON MARCH 24, 2014, TO INCREASE THE APPROPRIATION THEREIN TO \$1,000,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$950,000 AND TO INCREASE THE DOWN PAYMENT THEREIN TO \$50,000
- Purpose(s):** Amending bond ordinance number 14-13, (which provides for the development of Veterans Park) to increase the appropriation, the authorization of bonds or notes therein, the down payment and Section 20 costs to provide for the additional costs of such improvements.
- Appropriation:** \$200,000 Additional Appropriation
- Bonds/Notes Authorized:** \$190,000 Additional Authorization of Bonds or Notes
- Section 20 Costs:** \$10,000 Increase
- Useful Life:** 15 years (unchanged)

**RICHARD J. CUTTRELL, R.M.C.
Clerk of the Township of Neptune**

**TOWNSHIP OF NEPTUNE
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE NO. 14-30 AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Neptune, in the County of Monmouth, State of New Jersey, on July 28, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, in said County, on August 11, 2014 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 11-05 (WHICH PROVIDES FOR THE UNDERTAKING OF THE CONCOURSE/SEAVIEW ISLAND FLOOD MITIGATION PROJECT) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON JANUARY 24, 2011, TO INCREASE THE APPROPRIATION THEREIN TO \$850,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$399,353 AND TO INCREASE THE DOWN PAYMENT THEREIN TO \$20,470.25

Purpose(s): Amending bond ordinance number 11-05, (which provides for the Concourse/Seaview Island Flood Mitigation Project) to increase the appropriation, the authorization of bonds or notes therein, the down payment and Section 20 costs to provide for the additional costs of such improvements.

Appropriation: \$200,000 Additional Appropriation

Bonds/Notes

Authorized: \$190,000 Additional Authorization of Bonds or Notes

Section 20

Costs: \$10,000 Increase

Useful Life: 15 years (unchanged)

**RICHARD J. CUTTRELL, R.M.C.
Clerk of the Township of Neptune**

NOTICE
ORDINANCE NO. 14-31
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 28th day of July, 2014, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 11th day of August, 2014, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 14-31

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED
POLICE DEPARTMENT

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 2-10 – Police Department, is hereby amended in its entirety as follows:

§ 2-10.1 Department established.

There is hereby created in and for the Township of Neptune Police Department which shall consist of such employees and officers as shall be deemed necessary by the Township Committee and may include a Police Director and/or a Police Chief in accordance with N.J.S.A. 40A:14-118. The Township Committee shall, from time to time, determine the number of employees and officers of the Police Department, together with their compensation. The structure of the Police Department will include at a maximum, One (1) Police Chief, One (1) Police Director (selected from the full time management staff of the Township), One (1) Deputy Police Chief, Three (3) Captains, Seven (7) Lieutenants, in addition to the number of Sergeants and Patrolman determined by the Township Committee.

§ 2-10.2. Designation of appropriate authority.

In accordance with N.J.S.A. 40A:14-118, the Police Director of Neptune Township is hereby designated as the Appropriate Authority and is hereby vested with the powers and duties of an Appropriate Authority as delegated by law. When the position of Police Director is vacant or not filled, the Township Administrator shall serve as the Appropriate Authority.

§ 2-10.3. Responsibilities of Police Department, Police Director, and Chief of Police.

- A. The Police Department: The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Neptune; direct and control traffic; provide attendance and protection during emergencies; provide appearances in Court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.
- B. Police Director.
1. The Police Director shall report to the Township Committee and shall be responsible for the overall performance of the Police Department. He shall serve as the administrative and executive head of the Police Department. He/she shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its employees. The Police Director's duties include, but are not limited to:
 - a. Establish the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Police Director approve all expenditures with regard to the equipment and supplies.
 - b. Keeping a record of all business transacted by the Police Department and approving all bills for the expense of the Police Department.
 - c. Keeping and maintaining accurate records and submitting an annual report to the Township Committee, on or before January 31, which shall assess the operations of the Police Department, and its personnel, equipment and property.
 - d. Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government.
 - e. Keeping and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other Department employees as they take place, with such other information as may be necessary.
 - f. Developing the annual budget for the Police Department and overseeing any and all expenditures of the Police Department.
 - g. Analyzing crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies.
 - h. Evaluating the effectiveness of work program and procedures of all organizational components within the Police Department and developing effective work methods for subordinates.
 - i. Undertaking special studies pertaining to police functions and promoting close coordination of planning efforts.

- j. Establishing and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.
 - k. All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.
2. The Chief of Police or designee shall report directly to the Police Director, and the Police Director shall receive daily or other periodic reports, as designated by the Police Director, from the Chief of Police or designee.
 3. The Police Director shall also be responsible for ensuring that all Police Officers and employees are compensated in accordance with State and Federal Wage and Hour Requirements.
 4. The Police Director shall be appointed by the Township Committee. The Police Director shall serve at the pleasure of the Township Committee and may be removed by the Township Committee at their discretion.

C. Chief of Police.

1. If a Police Chief is appointed, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118. Any other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by N.J.S.A. 40A:14-118 shall be assumed or delegated by the Police Director.
2. If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118, which cannot be performed by the Police Director, shall be delegated to a Chief Law Enforcement Officer, which shall be highest ranking sworn officer, as designated by the Police Director.

§ 2-10.4. Appointment of Officers.

No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The selection criteria for a police officer shall be established in department policy consistent with New Jersey Statutes.

§ 2-10.5. Appointment of Probationary Officers.

The Township Committee shall have the power and authority to appoint such Probationary Officers as in its discretion shall be deemed necessary for the proper maintenance of the Police Department for a period not to exceed one (1) year. (Ord. No. 463 § 1)

§ 2-10.6. Excess Duty During State of Emergency.

- A. Whenever an emergency exists, as provided by Statute or as declared by the Mayor, the Chief of Police is hereby authorized to summon and keep on duty any member of the Police

Department for such a period of time in excess of ordinary duty hours which, in the sole discretion of the Chief of Police, is necessary to adequately perform the duties of the Police Department and to preserve public safety and welfare in the Township.

- B. Members of the Police Department shall be compensated for time on duty in excess of their regular hours of duty at the same rate per hour as they are paid for regular duty. This additional compensation shall be in lieu of any compensatory time off and in addition to the regular salary paid to members of the Police Department.

§ 2-10.7. Special Police Officers.

- A. The position of Special Police Officer in the Neptune Township Police Department is hereby established.
- B. The Mayor, subject to the approval by resolution of the Township Committee, shall appoint Special Police Officers for a term not exceeding one (1) year, and shall not revoke such appointments without cause or hearing unless the appointment is for four (4) months or less. Such Special Police Officers shall carry out their duties and responsibilities under the direct supervision of the Chief of Police, and their powers, rights and duties shall be specifically defined by the Chief of Police, pursuant to the statutory duties of a Special Law Enforcement Officer and within the scope of their training as determined by the Police Training Commission. These powers, rights and duties, however, shall immediately cease at the expiration of the term for which they were appointed, or upon revocation of their appointment. The resolution approving appointment of Special Police Officers shall designate the rate of pay if any.
- C. No person shall be appointed as a Special Police Officer unless he or she is a citizen of the United States; is able to read, write, and speak the English language; is physically qualified and of good moral character, and shall not have been convicted of any crime. Every such Special Police Officer shall be fingerprinted and his fingerprints shall be filed with the Division of the State Police and Federal Bureau of Investigation. Reports shall be made by the Chief of Police to the Township Committee concerning the eligibility and qualifications of any person proposed to be appointed a Special Police Officer.
- D. *Class One Officers (Class I)*. Class I Officers shall be authorized to perform routine traffic detail, spectator control and similar duties. Class I Officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of a firearm by an Officer of this class shall be strictly prohibited and no Class I Officer shall be assigned any duties which may require the carrying or use of a firearm.
- E. *Class Two Officers (Class II)*. Class II Officers shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the commission. Class II Officers are not authorized to carry an off duty weapon.
- F. In accordance with NJSA 40A:14-146-17, the Township Committee may employ a maximum of twenty-five (25) Class II and fifteen (15) Class I Officers.
- G. The Special Police Officer shall be subject to the terms and conditions, rules and regulations

of the Personnel Ordinance of the Township of Neptune and subject further to such rules and regulations as shall be established by the Chief of Police and/or Business Administrator.

- H. The Special Police Officer shall be paid such hourly salary as provided for in the salary ordinance of the Township.

§ 2-10.8. Employment of School Crossing Guards.

- A. Pursuant to N.J.S.A. 40A:9-154.1, the Township Committee shall have the power, by resolution, to employ Police Officers to act as School Crossing Guards.
- B. Such Adult School Crossing Guards shall receive compensation as established by resolution of the Township Committee.
(Ord. No. 453 §§ 1, 3)

§ 2-10.9. Establishing the Rules and Regulations of the Police Department.

The Police Director as the "Appropriate Authority" shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations. All employees of the Police Department shall be subject to such rules and regulations and penalties. Disciplinary hearings shall be conducted by the Township Administrator or his designee.

§ 2-10.10. Disciplinary Actions.

Discipline of employees and police officers will be imposed consistent with New Jersey State statutes and the Rules and Regulations of the Neptune Township Police Department. Employees may be subject to discipline for violating laws, statutes, ordinances, rules and regulations and written directives.

§ 2-10.11. County Mutual Aid Agreement.

- A. Participation by the Township of Neptune in a County-wide compact which shall be known as "The Monmouth County Mutual Aid Agreement" is hereby authorized.
- B. This subsection is created pursuant to N.J.S.A. 40:48-1(6) and N.J.S.A. 40A:14-156.1 and is adopted as a reciprocal agreement with all municipalities participating in the County-wide mutual aid compact. Pursuant to this agreement, the Township of Neptune shall render assistance to any participating municipality by providing members of the Neptune Township Police Department, upon request, to help preserve the public peace and order.
- C. The municipality requesting assistance shall compensate the officers at an agreed-upon rate by forwarding payment to the municipality, which will then compensate those officers who rendered assistance.
- D. In the event that an officer is injured while rendering assistance, the municipality providing assistance shall be primarily responsible for any costs as a result of the injury. Nothing in the Agreement shall serve as a bar to the municipality providing assistance from seeking indemnification from the municipality receiving assistance.

- E. This subsection is separate and distinct from any mutual aid agreements previously entered into between the Township of Neptune and any other municipalities and shall remain in full force and effect until specifically repealed by an affirmative act of the governing body.

SECTION 2

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4

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 this Ordinance shall be deemed valid and effective.

SECTION 5

This Ordinance shall take effect upon its passage and publication according to law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 14-32
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 28th day of July, 2014, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 11th day of August, 2014, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 14-32

AN ORDINANCE TO AMEND VOLUME 1, CHAPTER VII,
SECTION 7-21 OF CODE OF THE TOWNSHIP OF NEPTUNE
ENTITLED "HANDICAPPED PARKING"

WHEREAS, pursuant to N.J.S.A. 39:4-197.6, any municipality, may, by Ordinance, establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair symbol license plates have been issued for a vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person, by the Division of Motor Vehicles pursuant to the provisions of P.L. 1949, c.280 (C.39:4-204 et. seq.), provided the permitting thereof would not interfere with the normal flow of traffic; and

WHEREAS, Chapter VII of the Township Code, Section 7-21.1 establishes handicapped parking on streets that are open to the public or to which the public is invited; and

WHEREAS, the Township Committee of the Township of Neptune deems it to be in the best interest of its residents to provide resident handicapped on-street parking regulations in front of residences occupied by handicapped persons.

BE IT ORDAINED by the Township Committee of the Township of Neptune, County of Monmouth and the State of New Jersey that Township Committee hereby amends the Neptune Township Code of Ordinances, Chapter VII, Section 7-21, entitled, "Handicapped Parking" as follows:

SECTION 1

§7-21.7 – "Resident Handicapped On-street Parking"

- a. Purpose. The purpose of this section is to establish a restricted parking ordinance in front of a residence occupied by a handicapped person, which person has been issued a windshield placard or wheelchair symbol license plates for the vehicle owned by the handicapped person.
- b. Statutory Authority. This section is enacted in accordance with N.J.S.A. 39:197.6, which does confer upon the Township a right to establish resident handicapped on-street parking in order to preserve and safeguard the public health, safety and welfare.
- c. Criteria. This section shall be subject to the following criteria:
 1. The person requesting on-street resident handicapped parking is a resident of the Township of Neptune who shall make an application to the Neptune Township Police Department. The application shall be reviewed and approved or denied by the Chief of Police of Neptune Township. A negative determination may be appealed to the Township Committee if a request from the resident aggrieved is received within twenty (20) days from the date of the Chief's declination.
 2. The person requesting on-street resident handicapped parking has been issued a wheelchair symbol license plate or windshield placard issued by the New Jersey Division of Motor Vehicles, which is property displayed in either the handicapped resident's vehicle, or the vehicle of an immediate family member who also resides at that location.

3. The subject property passes an on-site inspection by the Neptune Township Police Department, which inspection shall determine whether handicapped parking will interfere with the normal flow of traffic or whether there is immediate adjacent off-street parking available to the applicant.
 4. The applicant complies with the provisions of N.J.S.A. 39:4-138(o) and 39:4-197.6 regulating handicapped parking in designated spaces.
 5. Upon approval of an applicant's request for handicapped on-street parking, the Township will enact an appropriate Ordinance designating the name of the subject street, the side of that street where the resident resides, and a description of the allowed parking area in front of the subject residence. Such designation shall be within the property lines of the subject residence, but otherwise shall be subject to the discretion of the Neptune Township Police Department and the Chief of Police.
 6. A sign shall be installed specifically identifying the handicapped on-street parking space as being resident-handicapped parking only, and a special permit shall be issued to the resident, which shall be placed in the window of the subject vehicle or be available for production, if requested by law enforcement, which indicates that the applicant is a handicapped resident in possession of the aforesaid special permit.
- d. Fees. The fee for a Resident Handicapped Parking Permit shall be \$100.00.
 - e. Violations and penalties. Any person improperly parking in a properly designated resident handicapped restricted parking space shall be subject to the penalties under Section 7-21.5 and 7-21.6 of this Chapter.

SECTION 2. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

SECTION 3. The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

Richard J. Cuttrel,
Municipal Clerk